COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT

CIVIL TRIAL DIVISION ADMINISTRATION

AT A GLANCE

2001

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DIRECTORY
CIVIL TRIAL DIVISION

ADMINISTRATION

Honorable John W. Herron
Administrative Judge
Room 516, City Hall
(255) 686-9536
(215) 686-7049 Fax Line
E-mail: john.herron@courts.phila.gov

Honorable Albert W. Sheppard, Jr.
Supervising Judge
Room 529, City Hall
(215) 686-7934
(215) 686-3717 Fax Line
E-mail: albert.sheppard@courts.phila.gov

Charles A. Mapp, Sr.
Deputy Court Administrator
Room 295, City Hall
(215) 686-7402
(215) 686-7941 Fax Line
E-mail: charles.mapp@courts.phila.gov

CIVIL OPERATIONS

CIVIL MOTIONS PROGRAM

Administrative Offices	Room 296 CH
Motions Filing Clerk	278 CH
Motions Courtroom	275 CH
(215) 686-8397 (Fax Line)	

686-7401	**Deborah E. Dailey - Manager** *E-mail: debbie.dailey@courts.phila.gov*	296 CH
686-4245	Felicia J. Brown-Clark, Clerk Typist	296 CH
686-2531	Daniel R. Bupp - Clerk Typist	296 CH
686-4253	Norma Erickson - Legal Clerk	296 CH
686-4254	Jerome Kelleher, Legal Clerk	296 CH
686-4305	Claire Kelly - Court Administrative Officer	296 CH
686-3730	Denise Listner - Legal Clerk	296 CH
686-3730	Carla Martucci - Administrative Secretary	296 CH
686-4252	Rachel Postell - Legal Clerk	296 CH
686-7401	Evelyn Thompson - Legal Clerk	296 CH
686-2907	Steven Wulko, Jr. - Legal Clerk	278 CH

DAY FORWARD - MAJOR JURY PROGRAMS

Day Forward - 2001

683-7151	**Honorable Nitza I. Quinones Alejandro, Team Leader**	**Courtroom 625 CH**
686-3774	Liaison - Joseph DiRosa	Room 619 CH
686-3709	Fax Line	

Day Forward - 2000

686-7910	**Honorable Sandra Mazer Moss, Team Leader**	**Courtroom 653 CH**
686-2606	Liaison - Mary DePasquale	Room 699 CH
686-2607	Fax Line	

Day Forward - 1999

686-9540	**Honorable Norman Ackerman, Team Leader**	**Courtroom 696 CH**
686-7324	**Honorable Allan L. Tereshko, Team Leader**	**Courtroom 243 CH**
686-3718	Liaison - Mary Doyle	Room 231 CH
686-7799	Fax Line	

Day Forward - 1998

683-7083	**Honorable Jacqueline F. Allen, Team Leader**	**Courtroom 254 CH**
686-9530	Liaison - Linda Kelly	697 CH
686-3789	Fax Line	

MOTIONS PROGRAM

686-2961	**Honorable Matthew Carrafiello, Motions Judge**	**Courtroom 275 CH**
686-2961	Mary Jo Mirarchi, Judicial Secretary	Room 673 CH
686-2961	Christine M. Adair, Esq., Law Clerk	673 CH
686-2961	John Morrone, Tipstaff	673 CH
686-9547	Fax Line	

683-7059	**Honorable Patricia McInerney, Motions Judge**	**Courtroom 246** CH
683-7060	June Kapler, Judicial Secretary	Room 1214 CJC
683-7060	Tom Grammer, Esq., Law Clerk	1214 CJC
683-7060	Howard Morales, Tipstaff	1214 CJC
683-7061	Fax Line	
	Motions Program Law Clerks	
683-7399	Donna Candelora, Esq., Law Clerk	Room 665 CH
	Mandy Roth, Esq., Law Clerk	296 CH
683-7398	Christine Wee, Esq., Law Clerk	665 CH

ARBITRATION CENTER

1601 Market Street, 2nd Floor
Philadelphia, Pa. 19103
(215) 686-9590 - Information
(215) 686-9594 Fax Line

686-9593	**Joseph L. Hassett, Esquire - Manager** *E-mail: joseph.hassett@courts.phila.gov*
686-9598	Lewis Hoye - Assistant Manager
686-9591	Juanita Cooper-Robinson - Legal Clerk
686-9592	Joseph Ferraro - Court Administrative Officer
686-9599	Margaret O'Connell - Legal Clerk
686-9597	Dianne Williams - Legal Clerk

CASE MANAGEMENT CONFERENCE CENTER

Room 613, City Hall
Philadelphia, Pa. 19107
(215) 686-3710
(215) 686-3709 Fax Line

686-3710	List Room - Sandy DeMuro, Legal Clerk	Room 613 CH
686-3779	Charles Pelletreau, Esq. - Case Manager	613 CH
686-3796	Paul Salter, Esq. - Case Manager	613 CH
686-3778	Anthony St. Joseph, Esq. - Case Manager	613 CH

COMMERCE PROGRAM

Room 529, City Hall
Philadelphia, Pa. 19107
(215) 686-3704
(215) 686-3717 Fax Line

686-9536	**Honorable John W. Herron, Administrative Judge**	**Courtroom 443**
686-7934	**Honorable Albert W. Sheppard, Team Leader**	**Courtroom 513**
686-3704	Catherine Hart - Program Administrator	Room 527 CH
686-9536	Kathryn Gallagher - Program Secretary	516 CH
686-7935	Bonnie Venturo - Court Administrative Officer	529 CH
	Law Clerks	
686-9536	Nancy G. Eshelman, Esq. - Law Clerk	Room 516 CH
686-3773	Seth W. Goren, Esq. - Law Clerk	535 CH
686-8396	Peter J. Kaldes. Esq. - Law Clerk	535 CH
686-4916	Julie Master, Esq. - Law Clerk	535 CH

COMPLEX LITIGATION CENTER

Wanamaker Building
100 Penn Square East - 12th Floor
Philadelphia, Pa. 19107
(215) 686-5100
(215) 563-1623 Fax Line

686-5100	**Honorable Allan L. Tereshko, Supervising Judge**
686-5100	Sally Lonergan - Judicial Secretary
686-5100	Heather Tereshko, Esq. - Law Clerk
686-5100	**Mary McGovern - Manager** *E-mail: marymcgovern@courts.phila.gov*
686-5100	Lestine Banks, Clerk Typist
686-5100	Howard Chambers, Esq. - Court Administrative Officer
686-5100	June Cipressi, Esq. - Court Administrative Officer
686-5100	Kristen M. Dorsey - Clerk Typist
686-5100	Marlene Dorsey - Tipstaff
686-5100	Thomas L. McGill, Esq. - Law Clerk
686-5100	Lillian Ryant-Davis - Administrative Secretary
686-5100	Jennifer Stewart - Court Administrative Officer

DISCOVERY PROGRAM

Room 287, City Hall
Philadelphia, Pa. 19107
(215) 686-4246 or 686-4247
(215) 686-3777 Fax Line

686-3747	**Dennis Brennan - Manager** *E-mail:dennis.brennan@courts.phila.gov*	**Room 287 CH**
686-4246	Melissa Graham, Legal Clerk	287 CH
686-4247	Sharon Pressley, Clerk Typist	287 CH

DISPUTE RESOLUTION CENTER

Room 691, City Hall
Philadelphia, Pa. 19107

686-7914	**Frank Checkovage - Manager** *E-mail: frank.checkovage@courts.phila.gov*	**Room 691 CH**
686-7915	Fax Line	

QUALITY ASSURANCE UNIT

686-6650	Kevin Daly	Room 531 CH
686-6674	Norma Monte	531 CH
686-8860	Fax Line	

PROTHONOTARY

Prothonotary

Joseph H. Evers, Prothonotary of Philadelphia
Room 284, City Hall
Philadelphia, Pa. 19107
(215) 686-6670\6652

Administrative Office
Room 284
686-6670
Office Hours: 9:00 a.m. to 5:00 p.m.
Monday through Friday

Staff

686-6651	Bonnie O'Kane, Deputy Prothonotary	Room 284
686-8326	Stanley Chmielewski, Deputy Prothonotary	Room 284

Adoption Unit

686-7012 4259	Andrea Hoffman Jelin, Supervisor	Room 332 1801 Vine Street

Appeals Unit

686-6663	William Lanzelotti, Supervisor	Room 266

Civil Commencement Unit

686-6671 8863	James White, Supervisor	Room 280

Current Records Unit

686-6661	Kevin McKinney, Supervisor	Room 268

Family Court Filings

686-3805	Mark Alleva, Clerk of Family Court	B-16 34 South 11th Street

Finance Unit

686-6657	Marie Wodack, Supervisor	Room 282

Judgment Index & Lien Unit

686-6665	Nicholas Palmer, Supervisor	Room 262

Older Records Unit

686-6669	Robert Desipio, Supervisor	Room 975

Public Information Unit

686-6656 8859	Philip Valone, Supervisor	Room 267

Quality Control Unit

686-6650	Kevin Daly, Supervisor	Room 531

Second Filing Unit

686-6667 6645	Rocco Fantazzi, Supervisor	Room 278

U.C.C. Filing Unit

686-6664	Nicholas Palmer, Supervisor	Room 271

I N T R O D U C T I O N

By

The Honorable John W. Herron,
Administrative Judge
Trial Division
Court of Common Pleas
Philadelphia County

The Philadelphia story of eradicating the civil backlog of major jury cases is now a part of almost every seminar across the nation on civil delay reduction strategies. With justifiable pride, the Civil Bar and the Court can look back at the last few years and relish the achievements that we now almost accept for granted. As recently as 1994, the average litigant in Philadelphia had to wait five to six years for a trial and the Court struggled with a 28,000 case backlog. Today the average wait for trial in simple cases is a mere 13 months after filing suit, two years for standard cases and 25 months for our most complex major jury matters. Very early in the year 2000 we achieved our goal of reducing the total number of major jury trials to 6,500 cases, all of which were under structured Case Management Orders and on track for resolution within the time frames established. We also have managed to bring other non-major cases within such structured Case Management Orders. In short, by the tremendous and very active volunteer effort by the Bar, as well as a knowledgeable and committed Bench, we have created a predictable path for the resolution of all civil litigation within established time frames. What more can one ask?

Having achieved our goals, we launched a Commerce Program in 2000 and our first results are very gratifying. Of 534 cases filed, only 303 remained as of December 31, 2000 for a 43% disposition rate. This rate is twice that of any other program and a tribute to the early mediation of cases and the close monitoring by both volunteer pro tems and the judges assigned.

This dramatic change must be credited to a wonderful, cooperative spirit between Bench and Bar and the commitment of the judiciary to case management principles of firm application of deadlines to the principal events in the life of a civil case. The system offers escape valves, i.e., Motions for Extraordinary Relief; however, there are traps for the unwary and for those lacking knowledge about our structured approach to case management. This manual and many other education efforts offered by the Court are designed to explain each of our Civil Programs and the relevant procedures. The reader will find practice tips and useful information to assist counsel and clients in accessing our civil justice system.

Plans for this year include moving the Complex Litigation Center to City Hall, renovating courtrooms, constructing a Courtroom 21 Project and building a second jury assembly area in City Hall to support our 32 civil courtrooms.

We continue to experience major disruptions in our quest for progress, the latest of which is the loss of civil judges by retirement, resignation and reassignment to serve the critical needs of our Criminal and Family Division Programs. This year will be one of varied and complex challenges.

The vitality of our Civil Programs - whether at the Complex Litigation Center, Arbitration Center or in major juries - demands constant monitoring and a commitment to revisit and alter procedures when necessary. We invite and are receptive to such comments, many of which have led to improvements. We encourage practitioners to participate in section meetings of the Bar Association and especially the State Civil Committee of the Philadelphia Bar Association which maintains a constant dialogue with the leadership of this Court.

Instant docket information and detailed information on the Trial Division and other divisions within the First Judicial District can be found on the Court's website (http://courts.phila.gov). This manual appears within the Trial Division of the FJD website together with any recent changes that will be highlighted to catch the reader's eye.

The judges in our Civil Trial Division and our Civil Administration staff join with me in celebrating an extraordinary transformation of our Civil Programs. We welcome your suggestions and your constructive criticism as we firmly believe that an innovative and responsive court system is a reflection of a Bench and Bar dedicated to the concepts of equal and timely justice for all.

March 5, 2001

COMMERCE CASE PROGRAM

This overview of the Commerce Program was prepared by Mitchell L. Bach, Esquire, Edward G. Biester, III, Esquire and Darryl J. May, Esquire.

COMMERCE CASE MANAGEMENT PROGRAM

I. Introduction, Assignments & Staff

Effective January 1, 2000, the Court established a Commerce Case Management Program ("Commerce Program"). The Commerce Program is an extension of the Day Forward Program, adopting additional features and alternative dispute resolution provisions that have helped to improve management of commercial and business litigation in other jurisdictions. Practitioners are directed to the detailed procedures contained in the Court's Order dated February 22, 2000 ("Administrative Docket 01 of 2000"), which follows this entry as a document. This overview is provided to guide practitioners in becoming familiar with the Commerce Program, and is not intended to cover the detailed requirements of the Program, which should be examined carefully.

The Commerce Program applies only to cases filed after January 1, 2000. There will be no exceptions, and the new procedures will not be applicable to any pre-existing cases filed prior to that date. The two judges assigned to the Commerce Program are Judge Herron and Judge Sheppard. All actions designated into the Commerce Program will be assigned to the individual calendars of one of these judges.

A. Commerce Program — Room 529 City Hall

Honorable John W. Herron, Administrative Judge	686-9536
Honorable Albert W. Sheppard, Supervising Judge	686-7934
Catherine Hart, Program Administrator	686-3704
Kathryn Gallagher, Program Secretary	686-9536
Bonnie Venturo, Court Administrative Officer	686-7935
Nancy Eshelman, Esquire, Law Clerk	686-9536
Seth W. Goren, Esquire, Law Clerk	686-3773
Peter J. Kaldes, Esquire, Law Clerk	686-8396
Julie Master, Esquire, Law Clerk	686-4916
Fax Line	686-3709

B. Discovery Court 2001: Commerce Program Cases

Location	Hours of Operation
Filings: Room 287 City Hall	9:00 a.m. - 5:00 p.m.
Hearings: Room 275 City Hall	

Staff	Telephone Numbers
Dennis J. Brennan, Manager	686-3747
Melissa Graham, Legal Clerk	686-4246
Sharon Pressley, Clerk Typist	686-4247
Fax Line	686-3777

Schedule for Hearings

Day	Time	Program	Room	Judge
Monday	9:00 a.m.	Commerce	275	Judge Sheppard
Monday	1:00 p.m.	Commerce	275	Judge Herron

C. Courtroom Assignments (January through June Terms, 2001)

Honorable John W. Herron, Administrative Judge	443 City Hall
Honorable Albert W. Sheppard, Supervising Judge	513 City Hall

D. Motions Program — Room 296 City Hall

Deborah E. Dailey, Manager	686-7401
Rachel Postell, Motions Clerk	686-4252
Fax Line	686-8397

E. <u>Case Management Conference Center</u> Room 613 City Hall

Civil Case Managers/Law Clerks:	
Nancy G. Eshelman, Esquire	686-9536
Seth W. Goren, Esquire	686-3773
Peter J. Kaldes, Esquire	686-4917
Julie Master, Esquire	686-4916
Fax Line	686-3709

F. <u>Dispute Resolution Center</u> Room 691 City Hall

Frank E. Checkovage, Manager	686-7914
Fax Line	686-7915

II. Cases Subject to Commerce Program and Filing Procedure

Practitioners should review the detailed list of "Cases Subject to Commerce Program" at paragraph B.1 of Administrative Docket 01 of 2000, as well as the examples of cases that are not included in the Program at paragraph B.2. Effective January 1, 2000, the new Civil Cover Sheet requires the attorney signing the sheet to certify that the action is, or is not, within the Commerce Program and is not subject to arbitration. A new "Commerce Program Addendum to Civil Cover Sheet" must also be filed with all initial filings, denoting the applicable type or types of action which result in the matter being assigned to the Commerce Program. Copies of both the Civil Cover Sheet and the Commerce Program Addendum must be served with the original process on all parties. Disputes as to inclusion or exclusion of cases with respect to the Commerce Program should be raised by filing a Notice of Management Program Dispute (see attached Exhibit B) with the Prothonotary, Second Filing, in Room 278 of City Hall. There is no appeal from a subsequent determination of program assignment.

III. Case Management Procedures

A Case Management Conference will be scheduled approximately ninety days after filing. The Civil Case Manager or assigned Judge will consider means for early disposition, schedules and deadlines, assignment of a Case Management Track, the potential use of a Commerce Judge Pro Tempore and other issues relevant to the case. A suggested form of Commerce Program Case Management Order and a chart outlining schedules for various management tracks are attached to Administrative Docket 01 of 2000. The parties should confer and attempt to reach agreement concerning all such matters, prior to the Case Management Conference.

The Commerce Program Judge to whom the action is assigned will normally hear all pretrial motions, including discovery motions. All such motions must be filed in Motion Court, with a designation on the Motion Court Cover Sheet to the assigned Commerce Program Judge. Oral argument will be at the discretion of the Commerce Program Judge. Discovery matters and other motions normally will be heard on Mondays by Judge Sheppard or Judge Herron in Room 275 of City Hall, at 9:00 a.m. and 1:00 p.m., respectively. Procedures of the Discovery Court should generally be followed, and filings processed through Room 287. In some instances, the Commerce Program Judge may direct further briefing of complex discovery motions.

Emergency motions and petitions also will be filed with the Motion Court and forwarded to the assigned Commerce Program Judge for disposition. Practitioners should be familiar with, and governed by the new procedures set forth in paragraph D.7. of Administrative Docket 01 of 2000.

Settlement conferences are governed by paragraph D.8 of Administrative Docket 01 of 2000. If the parties concur that an expeditious settlement conference will be productive, such a request should be made by letter to the assigned Commerce Program Judge. Pretrial conferences are governed by paragraph D.9 of Administrative Docket 01 of 2000.

IV. Alternate Dispute Resolution and Commerce Program Judges Pro Tempore

Administrative Docket 01 of 2000 establishes an Alternative Dispute Resolution program for the Commerce Program. The use of mediation is encouraged, and a panel of experienced and highly qualified volunteers has been established to act as Judges Pro Tempore for the purpose of conducting settlement conferences and facilitating mediation efforts. A list of the Commerce Program Judges Pro Tempore is posted on the Court's website at ***http://courts.phila.gov.***

DOCUMENTS

IN THE COURT OF PHILADELPHIA

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL TRIAL DIVISION

ADMINISTRATIVE DOCKET O1 OF 2000

IN RE: COMMERCE CASE MANAGEMENT PROGRAM

AND NOW, this 22nd day of February, 2000, it is hereby ORDERED and DECREED that the following protocols shall apply to all civil cases within the Commerce Case Management Program on or after January 1, 2000:[1]

Commerce Case Management Program:
Procedure for Disposition of Commerce Program Cases Filed on and after January 1, 2000

A Commerce Case Management Program ("Commerce Program") is hereby established within the Trial Division of the Court of Common Pleas.

A. Organization

1. Judges. **Initially, two judges shall be assigned by the Administrative Judge to the Commerce Program. The number of Commerce Program Judges may thereafter be adjusted by the Administrative Judge consistent with the caseload of the Program.**

2. Filings & Listings. **Upon consultation with the Administrative Judge and the Commerce Program Judges, with the goal of ease of access by the Commerce Program Judges and their staff, the parties and the public, the Prothonotary shall establish procedures for maintenance of filings and listings in actions assigned to the Commerce Program.**

B. Assignment of Cases Subject to Commerce Program

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1. The original protocols contained in Administrative Docket 01 of 1999 (Order of 11/9/99) are hereby amended to clarify that discovery motions should be processed through Discovery Court rather than Motion Court (¶D6) and further amended to state that a decision regarding whether a case shall be assigned to the Commerce Program is not appealable (¶B4). Other minor language changes have also been made.

1. Cases Subject to Commerce Program. **Notwithstanding anything to the contrary in General Court Regulation 95-2 (Day Forward Program) or any other General Court Regulation, Jury, Non-Jury & Equity, and Class Action cases filed on or after January 1, 2000, but not Arbitration cases, shall be assigned to the Commerce Program if they are among the following types of actions:**

1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;

2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:

a. Uniform Commercial Code transactions;
b. Purchases or sales of businesses or the assets of businesses;
c. Sales of goods or services by or to business enterprises;
d. Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
e. Surety bonds;
f. Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
g. Franchisor/franchisee relationships.

3. Actions relating to trade secret or non-compete agreements;

4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;

5. Actions relating to intellectual property disputes;

6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;

7. Derivative actions and class actions based on claims otherwise falling within

these ten types, and consumer class actions other than personal injury and products liability claims;

8. Actions relating to corporate trust affairs;

9. Declaratory judgment actions brought by insurers, and coverage disputes and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Commercial General Liability policy, and;

10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

All of the above types of actions may involve individuals named as parties, in addition to business enterprises, so long as all other criteria are met and the essential nature of the litigation is a business dispute. For example, a dispute over a commercial loan may include individual guarantors as either plaintiffs or defendants, as the case may be, but such a lawsuit would still be a commercial dispute.

2. Cases Not Subject to the Commerce Program. **The following types of matters are not to be included in the Commerce Program:**

1. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.

2. Personal injury, survival or wrongful death matters.

3. Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.

4. Matters involving occupational health or safety.

5. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.

6. Matters in eminent domain.

7. Malpractice claims, other than those brought by business enterprises against attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.

8. **Employment law cases, other than those referenced in Commerce Program type 3 above.**

9. **Administrative agency, tax, zoning and other appeals.**

10. **Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, Compel Medical Examination.**

11. **Individual residential real estate and non-commercial landlord-tenant disputes.**

12. **Domestic relations matters, and actions relating to distribution of marital property, custody or support.**

13. **Any matter required by statute, including 20 Pa.C.S. Chapter 7, §§711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.**

14. **Any criminal matter other than criminal contempt in connection with a Commerce Program action.**

15. **Such other matters as the Court shall determine.**

3. Assignments Based on the Civil Cover Sheet. **The Civil Cover Sheet, effective January 1, 2000, shall include a box in which the attorney signing the sheet must certify that the action is, or is not, subject to the Commerce Program. A "Commerce Program Addendum to Civil Cover Sheet," a sample of which is attached as Exhibit "A," is hereby required to be filed with all initial filings (i.e., all filings requiring a Civil Cover Sheet) subject to the Commerce Program, filed on or after January 1, 2000. The attorney shall indicate on the Commerce Program Addendum filed with any filing denoted as a Commerce Program matter, the applicable type or types of action which result in the matter being assigned to the Commerce Program. An attorney's signature on the Civil Cover Sheet shall constitute certification that the matter is or is not subject to the Commerce Program, as indicated on the Civil Cover Sheet and Addendum. A copy of the Civil Cover Sheet, including any Commerce Program Addendum, shall be served with the original process served on all parties.**

All actions designated into the Commerce Program pursuant to the Commerce Program Addendum are hereby assigned to the Commerce Program and to the individual calendar of one of the Commerce Program Judges, who shall be assigned according to a random procedure established by the Administrative Judge. This assignment shall be noted

on the Docket. All further filings in the matter shall state prominently in the caption and on any cover sheets that the matter is "ASSIGNED TO COMMERCE PROGRAM."

4. Disputes Arising From the Civil Cover Sheet Designation. **If any party disagrees with the designation or lack of designation of a case into the Commerce Program, that party shall file with Civil Listings Room 296 City Hall, to be referred to the Administrative Judge for decision, (which shall not be subject to appeal) and serve on all parties a Notice of Management Program Dispute, in the Form attached as Exhibit "B" and not exceeding three pages, as soon as practical, and no later than the earliest of (a) the filing by that party of any pleading, motion, or response to motion, (b) ten days in advance of a noticed case management conference or (c) thirty days after service of process. Any party opposing the Notice of Management Program Dispute may, but need not, submit a response thereto not exceeding three pages (to Civil Listings Room 296 City Hall) within ten days of service of the Notice.**

In the event of the service of a Notice of Management Program Dispute,a copy of that Notice shall be attached to and referenced in all motions and responses to motions filed by any party pending the resolution of the management program dispute.

C. Commencement of Action

All subject actions shall be commenced as provided in Pa.R.C.P. 1007. Philadelphia Civil Rule *205.2 shall be followed. As noted above, in all cases, not just those designated into the Commerce Program, a copy of the Civil Cover Sheet, including any Commerce Program Addendum, shall be served with original process served on all parties.

All jury demands shall be perfected in accordance with Pa.R.C.P. 1007.1 and Phila.Civ. R. *1007.1.

A party seeking emergency relief immediately upon commencing an action subject to the Commerce Program shall follow the procedure set forth in part D.7 below (Rules to Show Cause and Emergency Motions and Petitions).

D. Case Management Procedures

1. Authority Over Commerce Program Status: **When there is a dispute whether the case is properly assigned to the Commerce Program, the decision will be made by the Administrative Judge. If the Civil Case Manager conducting a case management conference or any party objects to the Commerce Program assignment, the Case Manager will forward the dispute to the Administrative Judge.**

2. Alternative Procedures Available: **The Commerce Program Judge, in his/her discretion, may, upon application of any party or upon his/her own**

initiative, modify these procedures. Requests for changes in these procedures will be made by filing a Petition for Extraordinary Relief (which Petition calls for a ten-day response time).

3. The Case Management Conference: **Typically, notice of a Case Management Conference ("CMC") will be sent to counsel and unrepresented parties (sixty days after filing) scheduling the CMC for approximately ninety days after filing. In certain circumstances, the CMC may be scheduled through the Commerce Program Judge.**

a. Presiding Officer: **Unless otherwise ordered, the CMC shall be conducted by a Civil Case Manager designated by the Court, acting on behalf of the assigned Commerce Program Judge.**

b. Issues to be Addressed: **The following subjects, along with other appropriate topics, such as service of process, venue, pleadings, discovery, possible joinder of additional parties, theories of liability, damages claimed and applicable defenses (see also Pa.R.C.P. 213.3), will be discussed.**

(1) Means for Early Disposition

a. Timing and potential forms of Alternative Dispute Resolution (ADR). The case manager will make available the list of Commerce Program Judges Pro Tempore (as provided by the Business Litigation Committee of the Philadelphia Bar Association).

b. Scheduling pre-discovery dispositive motions, only if oral argument is needed. (Whether to hear oral argument is up to the Commerce Program Judge). The Commerce Program Judge will likely have a half day set aside for hearing Motions and Rules.

c. Scheduling limited-issue discovery in aid of early dispositive motions. The Case Manager will advise counsel of the half day Discovery Program set up for that Commerce Program Judge.

(2) Schedules and Deadlines

a. Assignment to a Case Management Track and issuance of a Case Management Order ("CMO"), which will set forth a target trial date, deemed the earliest trial date pursuant to Pa.R.C.P. 212.1.

b. A discovery plan and schedule based on the CMO date for the completion of discovery.

c. Anticipated areas of expert testimony, timing for identification of experts, responses to expert discovery, exchange of expert reports (reference to the CMO).

(3) Potential Use of a Commerce Court Judge Pro Tempore

a. On stipulation of all parties for supervision of discovery.

b. For mediation.

c. Identification of a particular Commerce Program Judge Pro Tempore acceptable to all parties.

d. The choice of a particular Judge Pro Tempore for these purposes must be approved by the Court.

e. Use of a Pro Tempore Judge for purposes of discovery of mediation cannot affect the deadlines set forth in the CMO.

The Commerce Program Judge may establish any informal procedures to achieve expeditious resolution of discovery disputes and other non-dispositive issues. Prior to the CMC, it shall be the obligation of the parties to confer concerning all of the above matters, for the purposes of reaching agreements.

5. Case Management Order: **At the CMC, the case manager shall issue a Case Management Order ("CMO") setting forth dates for a Settlement Conference and for a Pretrial Conference (with Pretrial Statements typically to be filed in advance), and for Trial. The CMO will also address cut-off dates for completion of discovery, for the service of expert reports and for the filing of Motions.**

Based upon the nature and complexity of the case, the case manager with input from the parties at the CMC shall assign the case to a track. The Commerce Program shall typically employ the following management tracks: Commerce Expedited (Target Trial Date within 13 months of Complaint) and Commerce Standard (Target Trial Date within 18 months of Complaint). Only exceptionally complicated cases should be designated Commerce Complex (Target Trial Date within Two Years of Complaint). In the latter instance, the Commerce Program Judge may schedule status conferences at six month intervals or at any other times upon application of the parties, if appropriate.

The Commerce Expedited Track shall consist of matters in which minimal discovery

is needed and legal issues are anticipated to be routine. Examples of such actions, in the absence of complicating factors, are actions relating to commercial loans, and contract, UCC and foreclosure matters. Other matters should presumptively be designated Commerce Standard. Actions in which preliminary injunctive relief is sought may be appropriate for any of the tracks depending upon the circumstances.

A suggested form Case Management Order is attached as Exhibit "C." A grid of time standards that will be employed depending upon the applicable Track Case Management Order is attached as Exhibit "D."

6. Motion Practice and Discovery Motions. **The Commerce Program Judge to whom the action is assigned will hear all pretrial motions, including discovery motions, except that, to the extent that scheduling or other concerns so require, a Commerce Program Judge may make arrangements for certain discovery and other pretrial motions to be heard by another Commerce Program Judge. All motions (except discovery motions) shall be filed in Motion Court with a designation on the Motion Court Cover Sheet of the assigned Commerce Program Judge. Procedures of the Discovery Court should generally be followed, and filings processed through room 287. In some instances, the Commerce Program Judge may direct further briefing of complex discovery motions. Any Notice of Management Program Dispute that is pending or is being filed contemporaneously with the Motion filing, should be noted in the Motion Court Cover Sheet. Oral argument is at the discretion of the Commerce Program Judge.**

A Commerce Program Discovery List for each Commerce Program Judge shall be established so that discovery matters ordinarily will be heard by that Judge on a particular day of the week. Each Judge may also schedule hearings on non-discovery motions on the discovery day, or at such other times as the Court deems appropriate.

7. Rules to Show Cause and Emergency Motions and Petitions. **Rules to show cause in cases assigned to the Commerce Program will be presented in the Motions Court, where they will be reviewed as to form, and forwarded to the assigned Commerce Program Judge for consideration.**

Unless there is a dispute as to Commerce Program applicability, emergency motions or petitions in a newly filed action presented in a matter appropriate for assignment to the Commerce Program shall be referred to a Commerce Program Judge for disposition. If there is any dispute regarding Commerce Program applicability, that dispute shall be referred to the Administrative Judge or the designee of the Administrative Judge. Parties are encouraged to give the Motion Court advance notice of an emergency motion or petition, including notice that the action is assigned to the Commerce Program or may be appropriate for such assignment. If the assigned Commerce Program Judge is unavailable, an emergency motion or petition in an action already assigned to the Commerce Program shall be heard by the other Commerce Program Judge, if available, with any subsequent hearing referred

back to the assigned Commerce Program Judge. If no Commerce Program Judge is available to hear an emergency motion or petition, such motion or petition shall be referred to a Judge assigned to Motion Court (or, if necessary, the Emergency Judge), with any subsequent hearing referred back to the appropriate Commerce Program Judge. An emergency motion heard by a Commerce Program Judge in a case which has not yet gone through the random assignment procedure shall be subject to that procedure prior to any subsequent hearing and the subsequent hearing shall be scheduled before the Commerce Program Judge assigned.

8. Settlement Conferences. **A settlement conference may be expeditiously scheduled in any case in which counsel concur that such a conference may be productive. Such requests shall be made in writing by letter to the assigned Commerce Program Judge, and in all other respects Local Civ. R. *212.1(B) should be applied.**

Except as otherwise provided in Local Civil Rule *212.3 (Settlement Conferences--Non Jury Cases),Commerce Program Judges may assist the parties in reaching a fair and reasonable settlement or other resolution of the matter. To that end, the assigned Commerce Program Judge, in his or her discretion, may schedule one or more formal settlement conferences. The Commerce Program Judge may also encourage the parties to engage in settlement discussions and in any form of Alternative Dispute Resolution (ADR), including the assistance of a Commerce Program Judge Pro Tempore, that may result in settlement, avoidance of trial or expeditious resolution of the dispute. Except upon order of the Court, the pendency of any form of ADR shall not alter the date for commencement of trial.

9. Pretrial Conference. **A Pretrial Conference shall be held in all Commerce Program actions. At the conclusion of the Pretrial Conference, a Pretrial Order controlling the conduct of trial may be entered. The Court shall exercise its best efforts to try the matter as soon after the target trial date as practicable.**

Typically, the CMO will require the filing of Pretrial Statements (Pa.R.C.P. 212.2) in advance of the Pretrial Conference. Prior to the Pretrial Conference, principal trial counsel shall confer on the matters set forth in Pa.R.C.P. 212.3, and attempt to reach agreement on any such matters.

Following the Pretrial Conference, the Commerce Program Judge shall enter a Trial Scheduling Order, identifying the date by which the matter should be prepared for trial, and, if applicable, the date to be placed into a trial pool or the date of any special listings. The Trial Scheduling Order may further provide specific dates, to the extent not already addressed in the Case Management Order, for such matters as:

A. Exchange of proposed stipulations and filing of stipulations in writing to facts about which there can be no reasonable dispute;

B. Pre-marking and exchanging copies of all documents or other exhibits to be

offered in evidence at trial;

C. Service and filing of written objections to any documents or other exhibits as to which a party intends to object at trial, together with the legal basis for such objections;

D. Identification in writing of all deposition testimony, by page and line number, intended to be read into the record at trial, followed by counterdesignations and objections to deposition designations;

E. Exchange of trial briefs and proposed findings of fact and conclusions of law (nonjury) or requested points for jury charge (jury).

At such time prior to trial as may be fixed by the Court, it shall rule on all matters placed in issue under this procedure.

In addition, the Commerce Program Judge may establish procedures consistent with the requirements of each case to ensure close interaction with the parties in order to minimize trial time.

E. Commerce Program Judges Pro Tempore And Alternative Dispute Resolution

There shall be established in the Commerce Program, an Alternative Dispute Resolution program for Commerce Program actions, which may include, but is not limited to, mediation and the assistance of Commerce Program Judges Pro Tempore.

1. Panel of Commerce Program Judges Pro Tempore. **The Administrative Judge or designee shall designate a panel of Commerce Program Judges Pro Tempore from among volunteers nominated and approved by the Philadelphia Bar Association Business Law Section, Business Litigation Committee, who shall be distinguished attorneys engaged in active practice of law with no less than fifteen (15) years trial experience including a practice focused on the type of litigation described in section B.1 above (Cases Subject to Commerce Program). Commerce Program Judges Pro Tempore shall serve without charge. Persons may be added to or removed from the panel as the Administrative Judge or designee may determine consistent with the qualifications above.**

The Court may order a Commerce Program case to be assigned for Settlement Conference to a Commerce Program Judge Pro Tempore who shall, on a date certain, hold a Settlement Conference which must be attended by trial counsel representing the parties and any unrepresented parties. Counsel and unrepresented parties shall provide to the Commerce Program Judge Pro Tempore prior to the Settlement Conference a fully completed Settlement Memorandum, in a form to be established by the Commerce Program Judges.

The Commerce Program Judge Pro Tempore on such a referral is not authorized to rule on any motions, but will attempt to facilitate a settlement between the parties.

2. Mediation. a. Referral to Mediation and Selection of Mediator. **Commerce Program cases may be referred to nonbinding mediation at the discretion of the Commerce Program Judge, who may make such referrals at the time of the Case Management Conference, at a Pretrial Scheduling Conference referenced above, or at another time. Where appropriate and whether or not mediation is pursued at an early stage of the litigation, the Commerce Program Judge has the discretion to refer cases to nonbinding mediation at a later stage of the proceedings.**

The Court may permit the parties to choose the mediator from among the panel of Commerce Program Judges Pro Tempore, or agree to pay for a mediator not on the panel. The order of reference to mediation shall not stay or delay any scheduling dates, unless the Court so orders.

b. ***Conflicts of Interest.*** **A mediator to whom a case is assigned must disclose to the parties and to the Court any apparent conflict of interest. Unless the mediator determines consistent with any applicable ethical requirements and guidelines that he or she should preside notwithstanding any such apparent conflict interest and the parties and the Court agree that such mediator nevertheless shall preside, another mediator shall be selected.**

c. ***Confidentiality of Mediation.*** **The order referring an action to mediation shall require that the mediator report to the Court the disposition of the mediation in accordance with a schedule as determined by the Court, under the guidelines below. The order shall also provide that all information received by the mediator as to the merits of the matter, including the submitted memoranda, shall remain confidential and not be reported or submitted to the Court by the mediator or the parties, except as necessary in a stipulation of settlement agreed to by the parties.**

d. ***Mediation Procedure.*** **The first mediation session preferably shall be conducted within 30 days of the execution of the order of reference, unless the Court establishes a different schedule. At least ten days before the first session, each party shall deliver to the mediator a copy of its pleadings, any briefs filed in the action important to the mediation and a memorandum of not more than five pages (double-spaced), setting forth that party's contentions as to liability and damages. The memorandum shall be served on all parties, but shall be marked "Confidential, for Mediation Only," and may not be used, cited, quoted, marked as an exhibit or referenced in any proceedings. Attendance at the first mediation session shall be mandatory,and the mediator may require, in addition to the appearance of the attorneys, the presence of the parties or their representatives with authority to settle. If the first session is successful, the settlement shall be reduced to a stipulation, and the mediator shall submit forth with the stipulation, the notice of**

discontinuance and the report of disposition to the Court. The report of disposition shall be on a form prescribed by the Court Administrator.

e. *Report; Extensions.* If the action is not settled upon completion of the first session, the mediator may schedule additional sessions on consent of the parties. However, at the end of the first session, any party or the mediator may terminate the mediation effort, and in that case the mediator shall advise the Court forthwith that mediation has been terminated but shall not disclose the identity of any parties who terminated or did not terminate the mediation.

Except as set forth below, subsequent sessions should be concluded within 15 days from the date by which the first session was to have been held according to the order of reference. The mediator shall report to the Court as to the outcome of the mediation session(s) no later than 20 days from the date by which the first session was to have been held according to the order of reference.

If mediation cannot be concluded within 15 days from the date by which the first session was to have been held according to the order of reference, upon consent of all parties a 30-day extension of time to conduct further sessions may be granted by the mediator. If such extension is granted, the mediator shall report to the Court as to the success or lack of success of the additional sessions as soon as practicable but in any event no later than 5 days after the final mediation session.

All deadlines and relevant procedures shall be set for thin a standard form order of reference.

BY THE COURT:

_____

John W. Herron
Administrative Judge
Trial Division

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. *51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer,* Jenkins Memorial Law Library and the Law Library for the First Judicial District.

Exhibits

EXHIBIT A

COMMERCE PROGRAM ADDENDUM
TO CIVIL COVER SHEET

This case ***is*** subject to the Commerce Program because it is not an arbitration matter and it falls within one or more of the following types (check all applicable):

__ 1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;

___ 2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:

- ___ a. Uniform Commercial Code transactions;
- ___ b. Purchases or sales of business or the assets of businesses;
- ___ c. Sales of goods or services by or to business enterprises;
- ___ d. Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
- ___ e. Surety bonds;
- ___ f. Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
- ___ g. Franchisor/franchisee relationships.

___ 3. Actions relating to trade secret or non-compete agreements;

___ 4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;

___ 5. Actions relating to intellectual property disputes;

___ 6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;

___ 7. Derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions other than personal injury and products liability claims;

___ 8. Actions relating to corporate trust affairs;

__ 9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Commercial General Liability policy;

__ 10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be subject to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

Instructions: Please see Commerce Case Management Program: Procedure for Disposition of Commerce Program Cases Filed On and After January 1, 2000. Arbitration matters are not subject to the Commerce Program. Note that the following types of matters are **not** to be included in the Commerce Program:

1. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.

2. Personal injury, survival or wrongful death matters.

3. Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.

4. Matters involving occupational health or safety.

5. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.

6. Matters in eminent domain.

7. Malpractice claims, other than those brought by business enterprises against attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.

8. Employment law cases, other than those referenced in Commerce Program type 3 above.

9. Administrative agency, tax, zoning and other appeals.

10. Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, Compel Medical Examination.

11. Individual residential real estate and non-commercial landlord-tenant disputes.

12. Domestic relations matters, and actions relating to distribution of marital property, custody or support.

13. Any matter required by statute, including 20 Pa. C.S. Chapter 7, §§ 711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.

14. Any criminal matter other than criminal contempt in connection with a Commerce Program action.

15. Such other matters as the Court shall determine.

Court of Common Pleas of Philadelphia County

Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

TOTAL NO. OF DEFENDANTS

COMMENCEMENT OF ACTION

- ☐ Complaint
- ☐ Petition Action
- ☐ Notice of Appeal
- ☐ Writ of Summons
- ☐ Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

- ☐ $50,000.00 or less
- ☐ More than $50,000.00

COURT PROGRAMS

- ☐ Arbitration
- ☐ Jury
- ☐ Non-Jury
- ☐ Other: _____
- ☐ Mass Tort
- ☐ Savings Action
- ☐ Petition
- ☐ Commerce
- ☐ Minor Court Appeal
- ☐ Statutory Appeals
- ☐ Settlement
- ☐ Minors
- ☐ W/D/Survival

CASE TYPE AND CODE (SEE INSTRUCTIONS)

STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

IS CASE SUBJECT TO COORDINATION ORDER?

Yes	No
☐	☐
☐	☐
☐	☐

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant:

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY

ADDRESS (SEE INSTRUCTIONS)

PHONE NUMBER

FAX NUMBER

SUPREME COURT IDENTIFICATION NO.

E-MAIL ADDRESS

SIGNATURE

DATE

Instructions for Completing Civil Cover Sheet

Rules of Court require that a Civil Cover Sheet be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition). The information requested is necessary to allow the Court to properly monitor, control and dispose cases filed. A copy of the Civil Cover Sheet must be attached to service copies of the document commencing an action. The attorney or non-represented party filing a case shall complete the form as follows:

A. Parties

i. Plaintiffs/Defendants
Enter names (last, first, middle initial) of plaintiff, petitioner or appellant ("plaintiff") and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than three plaintiffs and/or three defendants, list the additional parties on the Supplemental Parties Form. Husband and wife are to be listed as separate parties.

ii. Parties' Addresses
Enter the address of the parties at the time of filing of the action. If any party is a corporation, enter the address of the registered office of the corporation.

iii. Number of Plaintiffs/Defendants: Indicate the total number of plaintiffs and total number of defendants in the action.

B. Commencement Type: Indicate type of document filed to commence the action.

C. Amount in Controversy: Check the appropriate box.

D. Court Program: Check the appropriate box.

E. Case Types: Insert the code number and type of action by consulting the list set forth hereunder. To perfect a jury trial, the appropriate fees must be paid as provided by rules of court.

Proceedings Commenced by Appeal

Minor Court
- 5M Money Judgment
- 5L Landlord and Tenant
- 5D Denial Open Default Judgment
- 5E Code Enforcement
- Other:

Local Agency
- 5B Motor Vehicle Suspension - Breathalizer
- 5V Motor Vehicle Licenses, Inspections, Insurance
- 5C Civil Service
- 5K Philadelphia Parking Authority
- 5Q Liquor Control Board
- 5R Board of Revision of Taxes
- 5X Tax Assessment Boards
- 5Z Zoning Board
- 52 Board of View
- 51 Other:

Other:

Proceedings Commenced by Petition
- 8P Appointment of Arbitrators
- 8C Name Change - Adult
- 8L Compel Medical Examination
- 8D Eminent Domain
- 8E Election Matters
- 8F Forfeiture
- 8S Leave to Issue Subpoena
- 8M Mental Health Proceedings
- 8G Civil Tax Case - Petition
- Other:

Actions Commenced by Writ of Summons or Complaint

Contract
- 1C Contract
- 1T Construction
- 1O Other:

Tort
- 2B Assault and Battery
- 2L Libel and Slander
- 4F Fraud
- 1J Bad Faith
- 2E Wrongful Use of Civil Process
- Other:

Negligence
- 2V Motor Vehicle Accident
- 2H Other Traffic Accident
- 1F No Fault Benefits
- 4M Motor Vehicle Property Damage
- 2F Personal Injury - FELA
- 2O Other Personal Injury
- 2S Premises Liability - Slip & Fall
- 2P Product Liability
- 2T Toxic Tort
  - *T1 Asbestos*
  - *TZ DES*
  - *T2 Implant*
- 3E Toxic Waste
- Other:

Professional Malpractice
- 2D Dental
- 4L Legal
- 2M Medical
- 4Y Other:

1G Subrogation

Equity
- E1 No Real Estate
- E2 Real Estate
- 1D Declaratory Judgment
- M1 Mandamus

Real Property
- 3R Rent, Lease, Ejectment
- Q1 Quiet Title
- 3F Mortgage Foreclosure
- 1L Mechanics Lien
- P1 Partition
  - Prevent Waste
- 1V Replevin

1H Civil Tax Case - Complaint

Other:

F. Commerce Program
Commencing January 3, 2000 the First Judicial District instituted a Commerce Program for cases involving corporations and corporate law issues, in general. If the action involves corporations as litigants or is deemed a Commerce Program case for other reasons, please check this block AND complete the information on the "Commerce Program Addendum". For further instructions, see Civil Trial Division Administrative Docket 01 of 1999.

G. Statutory Basis for Cause of Action
If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be identified.

H. Related Pending Cases
All previously filed related cases, regardless of whether consolidated by Order of Court or Stipulation, must be identified.

I. Plaintiff's Attorney
The name of plaintiff's attorney must be inserted herein together with other required information. In the event the filer is not represented by an attorney, the name of the filer, address, the phone number and signature is required.

The current version of the Civil Cover Sheet may be downloaded from the FJD's website http://courts.phila.gov

EXHIBIT B NOTICE OF MANAGEMENT PROGRAM DISPUTE

FIRM NAME
BY: ATTORNEY NAME
INDENTIFICATION NO.: XXXXX
STREET ADDRESS
PHILADELPHIA, PA 191XX
TELEPHONE NO.: XXX-XXX-XXXX

Attorney for Defendant: XYZ, Inc.

	:	PHILADELPHIA COUNTY
PLAINTIFF	:	COURT OF COMMON PLEAS
	:	
v.	:	_____ TERM, 20XX
	:	
DEFENDANT	:	No: _____

NOTICE OF MANAGEMENT PROGRAM DISPUTE

According to the Civil Cover Sheet and Commerce Program Addendum filed by Plaintiff on [date] and served on [date], Plaintiff designated this action as [not subject to the Commerce Program] [or] [subject to the Commerce Program, designating type[s] X [and X]].

[This action is not subject to the Commerce Program because _____.]

[or] [This action is subject to the Commerce Program. It is not an arbitration matter and falls within type[s] X [and X] in the Commerce Program types, as identified in the Commerce Program Addendum executed by the undersigned and attached as Exhibit A hereto.]

[Any additional comments, with total document (excluding cert. of service and Commerce Program Addendum) not to exceed three pages.]

_____
Name of Attorney
Attorney for Defendant, XYZ, Inc.

[Include Certificate of Service identifying date and manner of service and names and

EXHIBIT C CASE MANAGEMENT ORDER

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

caption : *court term and number*

COMMERCE PROGRAM
CASE MANAGEMENT ORDER

_____ TRACK

AND NOW, this day of , 200_, it is **ORDERED** that:

1. The case management and time standards adopted for the Commerce Program, "_____ track" cases shall apply and are incorporated.

2. All discovery shall be completed no later than _____.

3. Plaintiff(s) shall identify and submit Curriculum Vitae and Expert Reports for all expert witnesses intended to testify at trial to all other parties not later than _____.

4. Defendant(s) and any additional defendant(s) shall identify and submit Curriculum Vitae and Expert Reports of all expert witnesses intended to testify at trial to all other parties not later than _____.

5. All Pretrial Motions (other than Motions in Limine) shall be filed not later than _____ _____.

6. A settlement conference may be scheduled at any time after _____. On or before that date all parties shall serve on all opposing counsel or pro se parties and file a Settlement Memorandum containing the following:

   (a) The plaintiff(s) shall provide a concise statement of the theory of the case. The defendant(s) and additional defendant(s) shall provide a concise statement as to the nature of the defense.

   (b) A statement by the plaintiff(s) itemizing all damages sought by categories and amounts.

   (c) Defendant(s) and additional defendant(s) shall identify all applicable insurance carriers, together with corresponding limits of liability.

7. A Pretrial Conference may be scheduled at any time after _____. Fifteen days prior to the Pretrial Conference, all parties shall file and serve on all opposing counsel or pro se parties a Pretrial Statement containing the following:

   (a) The plaintiff(s) shall provide a concise statement of the theory of the case. The defendant(s) and additional defendant(s) shall provide a concise statement as to the nature of the defense;

   (b) A list of all witnesses who may be called to testify at trial by name and address. Counsel should expect witnesses not listed to be precluded from testifying at trial;

   (c) A list of all exhibits the party intends to offer into evidence. All exhibits shall be numbered and exchanged among counsel prior to the Conference. Counsel should expect any exhibit not listed to be precluded at trial;

   (d) Plaintiff(s) shall itemize all damages claimed by category and amount;

   (e) Defendant(s) and all additional defendant(s) shall state a position regarding the damages claimed and identify all applicable insurance carriers, together with applicable limits of liability; and

   (f) An estimate of the anticipated length of trial.

8. It is expected that the case will be ready for trial _____, which is the earliest trial date pursuant to Pa. R.C.P. 212.1, and counsel should anticipate trial to begin expeditiously thereafter.

9. All counsel are under a continuing obligation, and hereby **ORDERED** to serve a copy of this Order upon all unrepresented parties and upon all counsel entering an appearance subsequent to the entry of this Order.

BY THE COURT:

_____

, J.

Exhibit D: Commerce Program Management Tracks

Commerce Program Time Standards by Track			
Case Event	**Commerce Expedited**	**Commerce Standard**	**Commerce Complex**
Case Management Conference	3 months	3 months	3 months
Status Conference	Discretionary	Discretionary	Discretionary[1]
Discovery Complete	6 months	11 months	17 months
Plaintiff Expert Reports	6 months	11 months	17 months
Defendant Expert Reports[2]	8 months	13 months	19 months
Motions Filed	8.5 months	13.5 months	19.5 months
Settlement Conference	11 months	16 months	22 months
Pretrial Conference	12 months	17 months	23 months
Trial	13 months	18 months	24 months

[1]A Status Conference may be scheduled at six month intervals if requested by counsel and approved by the Court.

[2] The Court will provide for rebuttal expert reports to the extent appropriate.

COMMERCE PROGRAM TRACKING FORMULA

Initial criteria for cases to be tracked:

- Commencement of an action by Summons or Complaint over $50,000.00 at time of initial filing.
- At least one attorney of record.
- Case status equal to Active or Deferred.
- Note that the Program embodies both Jury and Non-Jury cases.

Breakdown by track

Expedited - litigant count is less than or equal to (4) four, and case type is one of the following:

1C	Contracts (Goods) Enforcement	3L	Landlord/Tenant Complaint
1D	Insurance, Declaratory Judgment	3M	Mechanics Lien Enforcement
1G	Subrogation Action	3O	Real Property - Other
1L	Mechanics Lien	3P	Title to Real Property
1N	Negotiable Instruments	3R	Rent, Lease or Ejectment
1O	Contracts - Other	E1	Equity - No Real Estate
IV	Replevin	E2	Equity - Real Estate
3F	Foreclosure	KF	Franchise Disputes
3G	Garnishment (Land)	7C	Confession of Judgmen
		7F	Foreign Judgment
		8Q	Petition to Stay Arbitration
		8V	Petition to Vacate/Modify Arb Awd

Standard - where the litigant count is greater than four (4) and the case type are the same as Expedited, or

- where the case type (regardless of the number of litigants) is:

KA	Purchase or Sale of Business or the Assets of the Business	KS	Securities Law Actions
		KB	Surety Bond Actions
1J	Bad Faith	KT	Business Torts
1T	Construction Contract	KC	Non Complete Agreements/ Trade Secrets
1S	Shareholder Suit		
4F	Fraud	KU	Corporate Trust Affairs
		KP	Partnership Disputes

Complex - following case types regardless of the number of litigants:

K1	Intellectual Property Disputes	4L	Malpractice - Legal
4A	Malpractice - Accounting	4Y	Malpractice - Miscellaneous

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

ORDER AND NOTICE TO COUNSEL
SUR CASE NOT APPROPRIATE FOR COMMERCE PROGRAM

After a review of plaintiff's(s') pleading and the Commerce Program case criteria, it is

ORDERED that this case is inappropriate for the Commerce Program because:

_____ It does not involve a dispute between or among two business enterprises. Administrative Docket 01 of 1999, In re: Commerce Case Management Program, B.1.2.

_____ It does not fall within the other specific categories set forth in the Commerce Program Addendum to the Civil Cover Sheet.

_____ The amount in controversy does not exceed $50,000.00.

It is further ***ORDERED*** that this case is transferred to:

_____ The Major Jury Program and placed in a waiting to list Case Management Conference.

_____ The Non Jury Program and placed in a waiting to list Status Conference status.

_____ The Arbitration Program and placed in a waiting to list Arbitration Hearing status.

_____ Motion Court to be reassigned to the Motion Program Judge for disposition of this Petition Action.

BY THE COURT:

_____ _____ _____

Date: J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

:

:

:

:

CASE MANAGEMENT CONFERENCE MEMORANDUM
COMMERCE CASE PROGRAM

Filing party:_____ by: _____, Esquire

Counsel's address and telephone number: _____

_____

_____

1. Date of contract or transaction dates:_____

2. Is there a writing? ___yes ___no

   If yes, is there an allegation that the writing does not contain the entire agreement of the parties? ___yes ___no

3. Is the Uniform Commercial Code applicable to this case? ___yes ___no

4. Describe the nature of the conduct alleged as giving rise to the cause of action:

   _____

   _____

   _____

   _____

This form shall be presented to the Case Manager and copies served upon all parties at the Case Management Conference by counsel prepared to discuss its contents.

5. State the amount of damages claimed by Plaintiff:

(a) Direct _____

(b) Consequential _____

(c) Other (specify)_____

6. Is there a counterclaim? ___yes ___no

If yes, state the basis of the claim (e.g., contract, tortious interference, etc.)

_____

_____

_____

7. State the amount of damages sought in the counterclaim:

(a) Direct _____

(b) Consequential _____

(c) Other (specify)_____

8. Discuss whether Mediation would be worthwhile:

_____

_____

_____

9. Is there related case(s)? ___yes ___no

10. Identify applicable insurance coverage and note if there are insurance coverage issues:

_____

_____

_____

11. Demand: $_____ Offer: $_____

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

Attorney's Name
Street Address 1
Street Address 2
City, State Zip

Case Description
Case ID

SCHEDULING ORDER

AND NOW, *MAIL_DATE, it is hereby Ordered that:

1. A Case Management Conference is scheduled for *SDATE, at *STIME, in Conference Room 613A, City Hall, Philadelphia, PA 19107.

2. Counsel for the Plaintiff is directed to serve a copy of this Order on any unrepresented party and any attorney entering an appearance subsequent tot he issuance of this Order. Attendance by all counsel of record is mandatory.

3. This conference will be conducted by either Judge Herron or Judge Sheppard.

4. Counsel must be prepared to address all relevant issues concerning service of process, venue, pleadings, discovery, possible joinder of additional parties, theories of liability or defenses and damages claimed. Counsel should also discuss the desirability and timing, if appropriate, of mediation.

5. At the conclusion of the conference a Case Management Order shall be entered which will govern this case.

6. All applicable parts of the enclosed conference memorandum shall be completed and brought to the case management conference.

7. If the case settles prior to the conference, counsel should fax a notice to (215) 686-3717. Questions concerning this Order and its contents may be referred to (215) 686-3704/05.

Court Administrative Officer
Commerce Case Program

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

_____	:	
_____	:	
_____	:	
Plaintiff(s)	:	
	:	
v.	:	No. _____ - _____
	:	
_____	:	
_____	:	
_____	:	
Defendant(s)	:	

COMMERCE PROGRAM CLASS ACTION
STIPULATED CASE MANAGEMENT ORDER

AND NOW, in consideration of the parties' consent to the following case management schedule, it is hereby **ORDERED** that:

I. PRELIMINARY OBJECTIONS

A. Defendant shall file its preliminary objections on or before _____ .

B. If Plaintiff wishes to amend its complaint in response to Defendant's preliminary objections, then the following deadlines shall apply:

1. Plaintiff shall file its amended complaint on or before _____ .

2. Defendant shall file an answer or preliminary objections to such amended complaint on or before _____.

3. If Defendant files preliminary objections in response to such amended complaint, then:

a. Defendant's brief in support of those preliminary objections shall be filed on or before _____.

b. Plaintiff's response to, and brief in opposition to, those preliminary objections shall be filed on or before _____.

c. Defendant's reply brief in support of those preliminary objections shall be filed on or before _____.

d. A hearing on those preliminary objections will be held, assuming the Court's schedule permits, during the week beginning _____ _____.

C. If plaintiff does not amend its complaint in response to Defendant's preliminary objections (filed on or before _____), then the following deadlines shall apply:

1. Defendant shall file its brief in support of those preliminary objections on or before _____.

2. Plaintiff shall file its response to, and brief in opposition to, those preliminary objections on or before _____.

3. Defendant shall file its reply in support of those preliminary objections on or before _____.

4. A hearing on those preliminary objections will be held, assuming the Court's schedule permits, during the week beginning _____ .

II. MOTION FOR CLASS CERTIFICATION.

For purposes of this section II, the term "Pleadings Ruling Date" shall mean either (i) if Plaintiff files an amended complaint, and Defendant files an answer (instead of preliminary objections) in response to that amended complaint, or (ii) the date of entry of an Order of the Court ruling on Defendant's preliminary objections, as a result of which there remains no outstanding preliminary objection and after which there remains at least one count against Defendant that has not been dismissed.

A. Defendant shall file its answer to Plaintiff's complaint (or amended complaint, if applicable) on or before the twentieth (20th) day after the Pleadings Ruling Date.

B. Plaintiff shall file its motion for class certification on or before the twenty-seventh (27th) day after the Pleadings Ruling Date.

C. The period for discovery relating to class certification shall close on the one

hundred tenth (110th) day after the Pleadings Ruling Date. Deposition shall be noticed to occur, and written discovery requests shall be served, on or before the date referenced in this paragraph.

D. Defendant shall file its response to, and brief in opposition to, Plaintiff's motion for class certification on or before the one hundred twenty-fifth (125th) day after the Pleadings Ruling Date.

E. Plaintiff shall file its reply brief in support of its motion for class certification on or before the one hundred fiftieth (150th) day after the Pleadings Ruling Date.

F. It is anticipated that the hearing to consider Plaintiff's motion for class certification will be held approximately two (2) weeks after the motion has been fully briefed, if the Court's schedule permits.

III. FACT AND EXPERT DISCOVERY.

For purposes of this section III, the term "Class Ruling Date" shall mean the date of entry of an Order of the Court ruling on Plaintiff's motion for class certification.

A. The period for fact discovery shall close on the ninetieth (90) day after the Class Ruling Date. Depositions shall be noticed to occur, and written discovery requests shall be served, on or before the date referenced in this paragraph.

B. The parties shall meet on or before the one hundredth (100th) day after the Class Ruling Date to discuss the need for experts in this case. At this meeting, the parties shall disclose whether they intend to present expert testimony at trial of this matter. In the event either or both of the parties desires to present expert testimony at trial of this matter, the following deadlines shall apply:

1. If Plaintiff desires to present expert testimony, then:

   a. Plaintiff shall make its expert disclosures on or before the one hundred thirtieth (130th) day after the Class Ruling Date;

   b. Defendant shall make its expert disclosures on or before the one hundred fiftieth (150th) day after the Class Ruling Date; and

   c. The parties shall complete expert discovery on or before the one hundred ninetieth (190th) day after the Class Ruling Date.

2. If Plaintiff advises at the meeting referenced above that it does not intend to present expert testimony, then:

a. Defendant shall make its expert disclosures on or before the one hundred thirtieth (130th) day after the Class Ruling Date;

b. Plaintiff shall make any responsive expert disclosures on or before the one hundred fiftieth (150th) day after the Class Ruling Date, except that the subjects on which Plaintiff's experts may opine are limited to those on which Defendant's experts have opined; and

c. The parties shall complete expert discovery on or before the one hundred ninetieth (190th) day after the Class Ruling Date.

3. As used herein, the phrase "to make … expert disclosures" means to provide, for each expert:

a. a Curriculum Vitae or equivalent document;

b. a list of all publications authored by the expert within five (5) years prior to the date of identification;

c. a description of the terms and amount of compensation to be paid to the expert;

d. a list of all cases in which the expert has given sworn testimony at deposition or trial within five (5) years prior to the date of disclosure;

e. a report setting forth a complete description of all opinions to be offered by the expert, the basis for those opinions, a description of the materials considered in forming those opinions, and a list of exhibits to be used as a summary of or in support of those opinions.

IV. DISPOSITIVE MOTIONS.

For purposes of this section IV, the term "Close of Discovery" shall mean either (i) the one hundredth (100th) day after the Class Ruling Date if neither party intends to present expert testimony, or (ii) the one hundred ninetieth (190th) day after the Class Ruling Date if one or both of the parties intends to present expert testimony.

A. Any dispositive motion (including all supporting materials), shall be filed on or before the forty-fifth (45th) day after the Close of Discovery.

B. Any response (including all supporting materials) to any such dispositive motion shall be filed on or before the seventy-fifth (75th) day after the Close of Discovery.

C. Any reply brief in support of any such dispositive motion shall be filed on or before the ninetieth (90th) day after the Close of Discovery.

V. MISCELLANEOUS.

A. If any deadline set forth below falls on a date on which the Court or the Office of the Prothonotary is not open, then the deadline shall be extended, without further Order, to the next day on which the Court and the Office of the Prothonotary are open.

B. The absence of any provision in this Order for sur-reply shall not prevent a party from petitioning the Court for leave to file such sur-reply. It is agreed, however, that in the event a sur-reply is permitted by the Court, any such sur-reply shall be filed no less than seven (7) days prior to the scheduled hearing to which the sur-reply relates, unless otherwise ordered by the Court.

C. The parties disagree concerning whether fact discovery that is not related to class certification is permitted prior to the Class Ruling Date. Nothing in this Order shall prevent a party from petitioning the Court for leave to commence fact discovery that is not related to class certification prior to the Class Ruling Date.

BY THE COURT,

_____

, J.

DATED: _____

Agreed as to form:

_____ _____

Attorneys for Plaintiff **Attorneys for Defendant**

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

COMMERCE PROGRAM
TRIAL ORDER

The above matter was conferenced pursuant to PA Rule of Civil Procedure 212.

DATE: **Trial is hereby scheduled on** _____, at _____, in Room _____ City Hall. Jury selection is hereby scheduled to commence on _____. Trial is expected to last _____ day(s). Counsel of record are hereby attached.

OR

This case is hereby listed for trial in the _____ Ready Pool. This case is subject to call for trial upon the prior day notice. Counsel is ***CAUTIONED*** to videotape all witnesses whose presence cannot be assured at the time of trial. The Court will honor all preexisting trial attachments or prepaid vacations during the month only if notice is provided in writing to the Team Leader fifteen (15) days prior to the trial ready pool date.

***JURY CONSIDERATIONS*:** Counsel have stipulated that this case shall be tried before a jury of _____ persons, and _____ alternates. A verdict by at least five-sixths of a jury of not less than six persons shall be binding upon the parties.

OR

Counsel have agreed that this case shall be tried as a non jury. _____

***SETTLEMENT*:** If an agreement to settle this case is reached, counsel for plaintiff must immediately notify the Administrative Officer (C. Hart) by telephone at (215) 686-3704 and confirm the telephone notice with written notice to Room 527 City Hall, Philadelphia, PA 19107.
(FAX No. 215-686-3717).

***WITNESSES*:** At trial, plaintiff's(s') witness(es) shall be limited to those individuals identified by name and address on the party's pre-trial memorandum unless otherwise excluded at the Pre-trial Conference. Defense witness(es) shall be limited to those individuals identified by name and address on the party's pre-trial memorandum. (Except for good cause shown, the parties will be precluded from offering substantive evidence through any person not so listed. The listing of a witness does not commit the listing party to have such person available at trial or to offer the testimony of such person. Any person may offer the testimony

of a witness listed by any other party).

***EXHIBITS*:** The parties shall be limited in direct examination to the use of only those exhibits listed in their pre-trial memorandum. (Except for good cause shown, the parties will be precluded from offering in evidence, using as demonstrative evidence or examining any of their witnesses concerning any exhibit not so identified, except solely for impeachment purposes. The listing of an exhibit does not commit the party to use it).

***SETTLEMENT DISCUSSIONS*:** Counsel have agreed that the judges of this Court or their representatives may speak to counsel on an individual basis to discuss settlement of this case. (This shall not pertain to the trial judge in a non jury matter).

***MOTIONS IN LIMINE*:** All Motions in Limine shall be served on opposing counsel and filed in Room 280, City Hall not later than fifteen (15) days prior to trial. Responding counsel shall have ten (10) days thereafter to file any response.

***DEPOSITIONS TO BE OFFERED IN EVIDENCE*:** No later than fifteen (15) days prior to trial, all counsel shall identify in writing to all other counsel (by page and line) all portions of any depositions which they propose to offer in evidence.

***PRE-MARKING OF EXHIBITS*:** Prior to the commencement of trial, all counsel shall have pre-marked all of their trial exhibits with identification numbers (i.e., P-1, D-1, etc.).

***JURY TRIALS*:** At the time of jury selection counsel shall provide the Court and all counsel with (a) a list of all proposed voir dire questions (which shall not include questions on the Philadelphia Common Pleas Court's Standard Jury Questionnaire); (b) requested jury instructions, which shall be submitted in duplicate, with each point on a separate page, and with citations of authority (which should not include Standard Jury Instructions which shall be listed only by reference to the number of the standard instruction); (c) requested interrogatories or special verdicts for submission to the jury; and (d) copies of all depositions which they expect to offer in evidence, together with written objections (by page and line) to any depositions which any other party proposed to offer in evidence.

Nothing in this Order may be construed to extend any previously imposed deadline applicable to this case. Notice give under Rule 236.

BY THE COURT,

_____

Dated:_____

DAY FORWARD PROGRAM

DAY FORWARD PROGRAM
MAJOR JURY

The Day Forward Program encompasses Major Civil Jury Cases (except Mass Tort Cases). Day Forward Case Management is the system that has been created to coordinate and schedule these cases for trial. To manage these cases more effectively, Judges assigned to this Program are divided into Teams. Judge Allen is the Team Leader for the 1998 Major Jury cases. Supervising Judge Tereshko and Judge Ackerman are the Team Leaders for all 1999 Major Jury cases. Judge Moss is the Team Leader for the Major Jury Cases filed in 2000. Judge Quinones Alejandro is the Team Leader for all Major Jury Cases filed in 2001.

To assure effective case management, every case in the Day Forward Program is scheduled for a Case Management Conference before a Case Manager approximately ninety days after its initial filing. Case Management conferences are held in Room 613, City Hall. **If there are any questions about the scheduling or rescheduling of a Case Management Conference, the Case Management Center (686-3710) should be contacted -- <u>not</u> the Judge's Chambers.**

The Civil Case Managers and their telephone numbers are as follows:

Charles Pelletreau, Esquire	686-3779
Anthony St. Joseph, Esquire	686-3778
Paul D. Salter, Esquire	686-3796

One of the main objectives of the Case Management Conference is obtaining early disclosure of basic information about each case so that it can be managed more effectively. All counsel are therefore required to attend the Case Management Conference. Counsel attending the

conference must be knowledgeable about the case. In preparation for this conference, all parties must complete and submit a Case Management Conference Memorandum. Based on this information, the Case Manager prepares a Case Management Order that establishes the schedule for each case. This Case Management Order sets deadlines for discovery, the exchange of expert reports and the filing of motions. A presumptive month is set for a Settlement Conference, a Pre-trial Conference and a trial. These deadlines may not be extended except by Motion for Extraordinary Relief directed to the appropriate Team Leader. The motion must be filed prior to the expiration of the deadline in question.

Another important task at the Case Management Conference is the assignment of all cases into an appropriate "track." All cases are classified at the Case Management Conference into one of three case management tracks: Expedited, Standard, and Complex. Expedited Track cases are brought to trial one year after filing; Standard Track cases are tried within eighteen months; Complex Track cases are tried within two years. Disputes regarding the placement of a case in a certain track or in a program other than Major Jury can be resolved by filing a Motion for Extraordinary Relief asking the Judge to reconsider the assignment. By and large, the Court has met these admittedly ambitious goals.

After discovery has been completed in a particular case, a Settlement Conference is held before a Special Judge Pro Tempore. The Judge Pro Tempore is an experienced attorney who will assist counsel in their good faith efforts to reach a voluntary and just resolution of the lawsuit. The Special Judges Pro Tempore work directly under the supervision of the Team Leader and the results of each conference are reported to the Team Leader. Settlement Conferences are conducted in the Dispute Resolution Center, Room 691, City Hall. Mandatory Settlement Conferences are

not scheduled in medical malpractice cases. If the parties believe a Settlement Conference would help facilitate settlement, they should submit a written request for a Settlement Conference to the Team Leader.

If counsel fail to negotiate in good faith or are unprepared at the Settlement Conference, the Special Judge Pro Tempore may issue a Rule to Show Cause before the Team Leader who will address the failure to participate appropriately in the Settlement Conference. At the conclusion of the Settlement Conference, those cases that have not been resolved will be scheduled for a Pre-trial Conference.

Prior to this Pre-trial Conference, the parties are required to file a detailed Pre-trial Memorandum with the Team Leader. In this Pre-trial Memorandum, each party must identify by name and address every witness that will be called at trial; in addition, they must identify, exchange and pre-mark every exhibit for trial. Only those witnesses and exhibits identified in the Pre-trial Memorandum are permitted at trial. At the Pre-trial Conference, counsel are expected to discuss all aspects of settlement and trial. At the conclusion of the Pre-trial Conference, a trial date is given and an Order for Trial is entered. As a practical matter, it is obvious that the preparation of a complete, effective Pre-trial Memorandum effectively presupposes that counsel have prepared their cases for trial. The earlier settlement conference before the Special Judge Pro Tempore is thus the final opportunity to resolve a case and avoid the necessity of extensive trial preparation. Finally, to maintain consistent oversight of a case, each Team Leader and the team of Judges will rule upon all motions, including discovery motions, presented with respect to cases assigned to their respective Team.

A major goal of the Day Forward Program is to achieve the expeditious scheduling of

trials. The court has therefore adopted a protocol for assigning certain cases to trial pools. A copy of this protocol is reproduced as an accompanying document. All expedited and standard track cases are considered appropriate for pool assignment since the volume of major jury filings annually (approximately 5,000 major jury cases) precludes assigning fixed trial dates other than to complex cases.

DOCUMENTS

2001

PRIORITY OF CASES

ALL CIVIL CASES

A. COMPLEX CASES (day certain trial date; 2 cases per team Judge listed weekly)

1. Complex Day Forward 96
2. Complex Day Forward 97
3. Complex Day Forward 98
4. Complex Day Forward 99

B. POOL CASES (expedited or standard cases; subject to call on next day notice)

1. Pool Day Forward 99
2. Pool Day Forward 2000
3. CLC - Major Non-Jury
4. CLC - Pool Arbitration Appeal

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

CIVIL TRIAL DIVISION

ADMINISTRATIVE DOCKET NO.1 OF 1998

Protocol for Trial Pools in the
Day Backward and Day Forward Programs

ORDER

AND NOW, this 10th day of March, 1998, to assure the expeditious scheduling of trials for Day Backward and Day Forward cases, the Court adopts the following protocol for the assignment of certain cases to trial pools.

1. **Type of Case Appropriate for Placement in a Trial Pool** - Cases that require relatively short trials and that involve straightforward issues are eligible for assignment to the trial pool. Cases involving Medical Malpractice, Products Liability, Out of State Experts or Pro Se Parties would not be appropriate for assignment to a trial pool.

2. **Length of Trial and Placement in a Trial Pool** - Trials with an expected duration of 1 to 4 days are eligible for assignment to a trial pool. Cases involving trials that would last more than 5 days are inappropriate for a trial pool.

3. **Continuances** - All continuances of trials for cases in the pool may be granted only by the assigning Team Leader. Requests for a continuance should be submitted in writing to the appropriate Team Leader prior to the start of the trial pool. A continuance request will be granted only for a sufficient reason such as a prepaid vacation or a prior scheduled date certain trial. Competing trial pool assignments will not be a sufficient reason for a continuance unless the attorney is actually on trial.

   If a Team Leader sends a case to another team, the assigned Judge is expected to complete the trial within the week or five days assigned. If the assigned Judge concludes that the trial cannot be completed within a week or five days, the assigned Judge is expected to notify the assigning Judge.

4. **Publication** - The trial pool list will not be published.

5. **Notice** - Cases will be assigned on a "next day minimum" notice basis. Cases will not be assigned later than 3:00 p.m. on the day prior to Jury Selection. Cases in the monthly pool may be called in any order. Counsel are expected to be trial ready for the duration of the monthly pool.

This General Court Regulation is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration No. 1, Phila.Civ.R. *51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division; and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

DATE: March 10, 1998

JOHN W. HERRON
ADMINISTRATIVE JUDGE
TRIAL DIVISION

DISPUTE RESOLUTION CENTER

This overview of the Dispute Resolution Center was prepared by the Honorable John W. Herron and Charles A. Mapp, Deputy Court Administrator of the Philadelphia Court of Common Pleas.

DISPUTE RESOLUTION CENTER

The recently constructed Dispute Resolution Center of the Philadelphia Court of Common Pleas provides a centralized location for mandatory settlement conferences. In so doing, it encourages uniform procedures for these conferences while offering litigants elegantly modernized facilities for the disposition of civil cases within historic City Hall. The Dispute Resolution Center is located on the sixth floor of City Hall in room 691. Its hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m.

MANDATORY SETTLEMENT CONFERENCE

Mandatory Settlement Conferences are held in every major jury case in the Dispute Resolution Center before a Judge Pro Tempore. These conferences are scheduled by the Case Management Order that is issued in all cases approximately 90 days after the initial filing. Approximately 30 days before the Conference, the Court sends a notice to all counsel of record and unrepresented parties, notifying them of the date, time and place of their settlement conference. This information will also be displayed on the first page of the docket.

Presiding Officer

Judges Pro Tempore (Judges Pro Tem) are recruited to preside over Settlement Conferences. In addition, Judicial Team Leaders are available to participate in the conference if necessary or useful.

The Judge Pro Tem reviews the case file prior to the conference and is thus prepared to discuss all issues with counsel. If the case does not settle at the conference, the Judge Pro Tem is

available by phone for follow-up conferences and to assist the parties further as requested. These follow-up conferences and calls, however, will not delay the court's schedule for this case. At the conclusion of the Settlement Conference, the Judge Pro Tem must complete a settlement conference report for each case, which should include the value of the case and references to salient issues. This report is forwarded on to the Judicial Team Leader along with the case file in preparation for the next event, the final Pre-trial Conference.

Responsibilities of Counsel and Parties

Counsel and unrepresented parties must appear at the settlement conference, on time **and with full settlement authority** from their clients. The parties and claim representatives do not have to appear with counsel but they **must** be available by phone during the conference. Failure of counsel to appear and failure of a party or claim representative to be available by phone during the conference will result in the issuance of a Rule to Show Cause before the appropriate Judicial Team Leader.

Settlement Memoranda must be filed 10 days prior to the Conference. If the case settles on or before or after the settlement conference, counsel shall notify the court immediately **in writing.** Any questions or scheduling inquiries must be directed to Frank E. Checkovage, Manager of the Dispute Resolution Center (686-7914).

COMPLEX LITIGATION CENTER

This overview of the Complex Litigation Center was prepared by Mary McGovern, Manager of the Complex Litigation Center of the Philadelphia Court of Common Pleas.

COMPLEX LITIGATION CENTER PROGRAMS

I. INTRODUCTION

The Complex Litigation Center was the first courthouse in the United States designed exclusively for complex, multi-filed Mass Tort cases when it opened on February 10, 1992.[2] It is located on the 12th Floor of the Wanamaker Building (on the southeast side of City Hall). The Honorable Allan L. Tereshko supervises the administration of all Complex Litigation Center programs and is assisted by Manager Mary McGovern, whose telephone numbers are (215) 686-5100 (voice) and 563-1623 (fax).

The Mass Tort Program calendar includes litigation involving Asbestos, DES, Latex Glove, Lead Paint, Breast Implants, Orthopedic Bone Screws, Carpal Tunnel Syndrome, Pier 34, Pseudo-Psychiatric, Phen-Fen and DCE Litigation. Other calendars administered at the Center include the Major Non-Jury Docket and Appeals from Arbitration.

II. OVERVIEW OF PROGRAMS

A. Mass Tort Programs

A Mass Tort action is commenced in the same way as other civil actions. Every complaint must have the Mass Tort type prominently displayed on the complaint, i.e., Asbestos, Lead Paint, to ensure that the case is assigned to the appropriate program. These actions, including asbestos, are currently on an 18-24 month track.

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2. Commentators analyzing the explosion of mass tort litigation in the 1980's observed that "[r]eflecting the special treatment courts accord mass claims, at least one trial court (the Philadelphia Court of Common Pleas) has formally established a "mass torts" calendar, administered by a special cadre of judges operating out of a specially equipped facility." Hensler & Peterson, "Symposium: Reinventing Civil Litigation: Evaluating Proposals for Change: Understanding Mass Personal Injury Litigation: A Socio-Legal Analysis," 59 Brooklyn Law Review, 961, 964 n.16 (1993)(emphasis added).

In every Mass Tort program, there are regular monthly or bi-monthly meetings of counsel, the Supervising Judge and the Manager. These meetings are mandatory and are designed to encourage participation by counsel in creating case management procedures tailored to each program.

Case Management Orders

Case Management Orders are issued in every Mass Tort program. The orders are created cooperatively by the Supervising Judge and counsel. Case Management Orders designate when and how actions can be filed, outline motion and discovery procedures, provide the names of liaison counsel and set forth trial schedules. Case Management Orders may be obtained from the Supervising Judge's chambers or by contacting Mary McGovern at the Center.

Standardized Procedures

Standardized Procedures have been created for all Mass Tort programs as a result of Bench\Bar collaboration and cooperation on such issues as pleadings, discovery, depositions and document depositories. Any questions concerning standardized procedures may be directed to liaison counsel in each program and\or Mary McGovern, Deputy Manager, 686-5100.

Motions

All Mass Tort motions are assigned to The Honorable Allan L. Tereshko, Supervising Judge, for disposition. The revised Mass Tort Motion Procedures are outlined at the end of this section.

Mass Tort and Asbestos Trial List

Mass Tort cases with a trial date are published in The Legal Intelligencer for a four week period prior to trial under the heading "Mass Tort Trial List." Separately, there is a monthly "Asbestos Trial List" that appears in The Legal Intelligencer every Monday. The Asbestos list follows the case flow system created through the cooperative efforts of the Supervising Judge and counsel.

Cases are grouped by plaintiffs' firm, disease and worksite. Plaintiffs' counsel group cases pursuant to a list provided by the Supervising Judge. Defense counsel may review the groups and raise objections. The court coordinates the trial groupings and creates the Monthly Trial lists. Groups are identified by plaintiffs' firm and are consecutively numbered. Upon disposition, group numbers are retired. Accordingly, numbers may not be sequential.

B. Major Non-Jury Program

All Major Non-Jury cases, including Equity cases, are listed in chronological order and scheduled for a Status\Trial Scheduling Conference every Monday at 2:00 p.m. in courtroom 12-G of the Complex Litigation Center. Non-Jury cases are on a 10-12 month track with a discovery deadline 8 months from commencement. Cases are listed weekly and each case is assigned a trial date as well as a mandatory settlement conference date. A Pre-Trial Order is issued in all non-personal injury cases and a Settlement Conference Memorandum is issued in all personal injury cases. Failure to comply with the terms and conditions set forth in the Order and Memorandum will result in the imposition of appropriate sanctions. Notice of this conference is published in The Legal Intelligencer beginning on Tuesday and ending on Monday, the day of the conference as well as by U.S. mail to all parties. All counsel are required to notify opposing counsel as well as

pro se litigants of the conference in writing via facsimile or regular mail. No continuances are granted. However, if trial counsel is unavailable, a representative may appear who is familiar with the procedural history of the case as well as with counsel's trial schedule. Failure to appear results in the scheduling of a Rule Returnable Hearing at which time appropriate sanctions are imposed by the Supervising Judge.

III. GENERAL PROCEDURES

Motions

In both the Major Non-Jury and Arbitration Appeal Programs, the motion procedures are consistent with those set forth in the Pennsylvania Rules of Civil Procedure and the Philadelphia Local Rules. Counsel are instructed to not forward "courtesy copies" of motions as they are neither accepted nor reviewed by the Supervising Judge.

Complex Litigation Center Trial Lists

All cases scheduled for trial at the Complex Litigation Center, other than Mass Tort Cases, are listed for trial by trial date on lists published in The Legal Intelligencer for a four week period. Cases are not tried in numerical order because every case listed will be assigned on its trial date. Therefore, all trials commence immediately. Non-Jury and jury cases are tried in a "piggy-back" fashion: while a jury is being selected, the Trial Judge presides over a Non-Jury case. Thus, two courtrooms operate simultaneously resulting in judicial efficiency and economy.

Jury Selection

Jury selection is conducted at the Complex Litigation Center under the direction of the Supervising Judge.

Applications for Continuance

All applications for continuance in any program assigned to the Complex Litigation Center must be directed to the Supervising Judge, attention Mary McGovern, and must be submitted in writing. The request must set forth a sound reason for a continuance such as a medical or family emergency. Questions concerning any program assigned to the Complex Litigation Center may be directed to Mary McGovern at (215) 686-5100.

REVISED MASS TORT MOTION PROCEDURES

The Mass Tort Motion Procedures were revised February 11, 1998. All prior motion procedures are obsolete.

1. The motion should be in letter-brief rather than motion package format. Its caption must specify the type of litigation and name opposing counsel. Facts, issues, and pertinent case law should be briefly outlined. Each motion must include a proposed order, a self-addressed stamped envelope,and a signed Attorney Certification of Good Faith.

2. This Certification shall attest that counsel making same has spoken with opposing counsel regarding the subject of the motion in an effort to resolve the specific dispute at issue, and that despite counsel's good faith efforts, counsel has been unable to do so.

3. The movant must present the original motion to the Second Filing Clerk Room 278, City Hall, for time stamping. The proper fee must be paid for all motions. No formal filing with Motions Court is required.

4. Motions must be filed by 4:30 p.m. on a Monday, or they will be deemed filed the

following Monday. The opponent must receive a copy that same day by facsimile or hand delivery. The stamped, original motion should be sent or delivered to the attention of Motions Clerk, 1266 Wanamaker Building, 100 Penn Square East, Philadelphia, Pa. 19107.

5. If the motion is **opposed,** the opponent must answer in the format stated in Paragraph 1 by the following Monday at 4:30 p.m. This answer should be sent or delivered directly to Motions Clerk, 1266 Wanamaker Building, 100 Penn Square East, Philadelphia, Pa. 19107. No fee need be paid for a response. The movant and all other parties must receive a copy that same day by facsimile or hand delivery.

6. If the motion is **unopposed,** the Court must receive a letter stating this. The movant and all interested parties must receive a copy that same day by facsimile or hand delivery. If no letter is received, the Court will assume the motion is uncontested.

7. The Court will docket the original signed order and mail a copy of the signed order via the self-addressed stamped envelope.

8. Oral argument on motions will be scheduled by the court as needed.

9. A brief call of the Asbestos List will be conducted every Monday at 9:30 a.m. at which time stipulations may be presented to the Court. Each stipulation must contain a self-addressed stamped envelope; a copy of the signed stipulation will be forwarded to counsel via this envelope, who are then charged with distributing copies to all other counsel.

HON. JOHN W. HERRON
Administrative Judge

HON. ALLAN L. TERESHKO
Supervising Judge

COMPULSORY ARBITRATION PROGRAM

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This overview of the Compulsory Arbitration Center was prepared by Dale G. Larrimore, Esquire, a partner in the firm of Deutsch, Larrimore, Farnish & Andersson, L.L.P. and by Joseph L. Hassett, Esquire, Director of the Arbitration Center.

COMPULSORY ARBITRATION CENTER

Introduction

All civil actions filed in the Court of Common Pleas of Philadelphia County with an amount in controversy of $50,000 or less, excluding equitable actions and claims to real estate, must first proceed to a compulsory arbitration hearing before a panel of three attorneys who have been certified by this Court to serve as arbitrators.

With more than 25,000 cases a year concluded at the arbitrators' level, the Compulsory Arbitration Program in Philadelphia County is one of the most successful programs of its kind in the nation. In a continuing effort to improve the effectiveness and efficiency of the Arbitration Center, Administrative Judge John W. Herron appointed Joseph L. Hassett, Esquire, as Director of the Arbitration Center. Mr. Hassett, who replaced retired Donald A. Smith in July 1998, has become the first attorney to head the program. The Director is responsible for overseeing the day to day operations of the Center and is available to provide procedural and legal support to our arbitration panels if necessary. In addition, the Director, under the supervision of our Motion Program Judges, is charged with the critical function of ruling on continuance and rescheduling applications.

Please note that all continuance requests are strictly governed by Phila. Civ. R. *1303(c). Moreover, emergency continuance applications will only be granted when the basis for the request could <u>not</u> have been previously anticipated.

It is strongly advised that all counsel who practice at the Arbitration Center become thoroughly familiar with our Arbitration practice and procedure so that the arbitration process will

run smoothly. **Special attention should be given to Phila.Civ. R. *1303(a), which was amended by the Board of Judges on November 19, 1998, effective January 1, 1999. The dramatic effect that this amendment has had on Arbitration cases listed after September 1, 1999 when one or both parties fail to appear for arbitration is briefly discussed in this section.**

I. ARBITRATION PROCEDURE

Compulsory Arbitration in the First Judicial District is controlled by the arbitration rules of the Pennsylvania Rules of Civil Procedure[1] and the Philadelphia Civil Rules.[2] Except as provided in those rules, the normal procedural and evidentiary rules control.

A. Commencing Litigation in Compulsory Arbitration

The date and time for the arbitration hearing are assigned by the Prothonotary at the time of filing of the complaint or writ of summons,[3] with hearing dates listed approximately 8 months thereafter. The initial filing in arbitration must include a 3 inch space on the cover page, for the Prothonotary's stamp which lists the date of the arbitration hearing. The cover sheet must also include, in upper case letters, in the upper, right hand corner, the phrase, "This is an Arbitration Case" and a notation of whether or not an "Assessment of Damages is/is not required."[4]

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1. Pa.R.C.P. 1301 - 1314.

2. See Philadelphia Civil Rules *1301-*1305 and *1308. These Arbitration Rules in Philadelphia County were substantially revised in 1995, effective July 17, 1995 and in July 1998, effective January 1, 1999.

3. Philadelphia Civil Rule *1303(a).

4. Philadelphia Civil Rule *1303(a).

Actions filed to preserve the subrogation rights of an uninsured motorist insurance carrier can be placed in deferred status, with no hearing date scheduled. The Writ of Summons or Civil Action Complaint should include the notation "Uninsured Motorist Savings Action" or "Deferred" on the cover page, immediately below the request for arbitration. The case will then be placed in deferred status and no actual hearing date will be scheduled.[5]

As of January 1, 1999, the Prothonotary in Philadelphia will also stamp the initial summons or complaint with the following language:

> "This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge." Philadelphia Civil Rule *1303(a)(1), as amended November 19, 1998, effective January 1, 1999.

This procedure was adopted in response to the amendment of Pennsylvania Rule of Civil Procedure 1303 on July 30, 1998, effective January 1, 1999. The explanatory comments[6] to this amendment outline the rationale for its elimination of the right to a trial de novo on appeal from a decision entered by a Judge where the parties were so advised in their notice of hearing. The comments also suggest the options available to parties seeking relief from a decision entered by a Judge.

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5. Philadelphia Civil Rule *1303(b)(1)(i).

6. The explanatory comments were prepared by the Civil Procedural Rules Committee.

B. Service of Process

Plaintiff must make a diligent effort to effectuate service of the complaint on the defendant. If initial service is unsuccessful, counsel must immediately begin a good faith search for the defendant and attempt a second actual service on any new address obtained. Thereafter, a Petition for Alternative Service can be filed, demonstrating counsel's diligent efforts to obtain service on the defendant and requesting permission for alternative service.[7] Before substituted service will be permitted, the plaintiff must have demonstrated "a good faith effort to locate the defendant through more direct means."[8] An application for a continuance due to service not being effected upon defendants must include facts establishing the plaintiff's contention that due diligence has been exercised, which shall include the dates of attempted service, a statement that substituted service could not have been obtained prior to the Arbitration Hearing date, and a certification that a Petition for Alternative Service has been filed.[9]

If service is not effectuated on the defendant prior to the scheduled arbitration hearing date, and no continuance has been obtained in accordance with Philadelphia Civil Rule 1303(c)(5)(i), an Award will be entered in favor of the defendant provided plaintiff is present at the scheduled arbitration hearing. Otherwise a non pros may be entered pursuant to Pennsylvania Rule of Civil Procedure 1303.[10]

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7. Pa.R.C.P. 430.

8. Romeo v. Looks, 369 Pa.Super. 608, 535 A.2d 1101, 1106 (1987).

9. Philadelphia Civil Rule *1303(c)(5)(i), as amended 1995.

10. Philadelphia Civil Rule *1303(j), as amended 1996, effective Jan. 13, 1997 and Philadelphia Civil Rule *1303(a)(1) as amended Nov. 19, 1998, effective Jan. 1, 1999.

C. Discovery

All of the discovery tools allowed under the Pennsylvania Rules of Civil Procedure are also available for arbitration cases. Counsel can utilize interrogatories, requests for production, requests for admissions and depositions as appropriate for any case in arbitration.

Counsel must follow the discovery motion procedure in Philadelphia. In addition, the moving party must obtain Court approval to file a motion if it is within 45 days of the hearing.[11]

D. Pre-Hearing Procedure and Continuances

The Philadelphia Arbitration Center is run on a day to day basis by the Director of the Arbitration Center. All requests for continuances, rescheduling or other relief must be submitted on the designated form, a **Continuance Arbitration Application.** A copy of the application **must** be mailed, delivered or faxed to opposing counsel and unrepresented parties contemporaneously with its filing with the Arbitration Center, and delivered to the other parties in the same manner as the original filing.[12] All continuance applications must include stamped envelopes pre-addressed to all counsel or unrepresented parties.[13] The Director of the Arbitration Program shall rule on the request for continuance. Oral argument is not authorized and the ruling is not subject to judicial

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11. Philadelphia Civil Rule *1303(h). Court approval is obtained by filing a Miscellaneous Arbitration Application form, accompanied by a copy of the Motion or Petition along with stamped envelopes addressed to all counsel and unrepresented parties.

12. Philadelphia Civil Rule *1303 (c)(3).

13. Philadelphia Civil Rule *1303(c)(2).

review.[14] "Counsel are cautioned not to call or write the Arbitration Center for status of the Application, or to request 'reconsideration' in the event the Continuance Application is denied."[15]

Counsel are forewarned that there is no automatic right to obtain a continuance of an arbitration even if all counsel agree. Philadelphia Civil Rule *1303(c) must be followed by attorneys requesting a continuance and the guidelines in this rule must be followed.[16] In general, there is a strict rule against continuances.

It should be noted, however, that the local rules now do provide for a right to **advance** or **reschedule** an arbitration date, on agreement of all parties.[17] As the explanatory note to Philadelphia Civil Rule 1303(d) notes, "a conflict with a scheduled Arbitration Hearing date may be resolved by agreeing to an earlier Arbitration Hearing."[18] Beginning January 25, 1996, an arbitration hearing may be **rescheduled** by agreement of all parties, to a new date within two weeks of the original scheduled hearing date.[19] A hearing can be rescheduled only one time and all counsel and unrepresented parties must agree on a specific date and sign the Compulsory Arbitration One-Time Only Rescheduling Agreement.

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14. Philadelphia Civil Rule *1303(c)(3).

15. Explanatory Note to Philadelphia Civil Rule *1303 (c)(3).

16. Philadelphia Civil Rule *1303(c).

17. Philadelphia Civil Rule *1303(c)(7) and (d).

18. Philadelphia Civil Rule *1303(d).

19. Philadelphia Civil Rule *1303(c)(7).

E. Consolidation

Generally, if two arbitration cases are consolidated prior to the hearing date of either, the actions shall be heard on the date assigned to the last filed consolidated case.[20] Cases can not be consolidated by stipulation and Petitions for Consolidation must be formally presented.[21] If a Petition for Consolidation is filed within 45 days of the arbitration hearing date, counsel must obtain consent of the Court for filing the Petition by also filing a Miscellaneous Arbitration Application.

F. Settlement

Immediate written notification of settlement of an arbitration case should be sent to the Director of the Arbitration Program.[22] When a case is settled just prior to a hearing prompt notice is still required. This is important so that the Arbitration Center can plan properly and schedule an appropriate number of arbitrators for the Center for each day of its operation. If there is not time to send notification by mail, please fax a letter to the Arbitration Center (215-686-9594) informing them of the settlement of any case listed for a hearing.

II. THE ARBITRATION HEARING

A. The Arbitration Center

All Compulsory Arbitration hearings are held in the Court of Common Pleas Arbitration

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20. Philadelphia Civil Rule *1303(e).

21. Order of Honorable John W. Herron, Administrative Docket No. 1996-03, first published in the *Legal Intelligencer* on August 27, 1996.

22. Philadelphia Civil Rule *1303(i).

Center located on the 2nd Floor of 1601 Market Street, in Philadelphia. Counsel, clients and witnesses should be present in the Assembly Room prior to the assigned time for the hearing.

On arrival at the Arbitration Center for a hearing, counsel should check in with the clerk at the front of the room. Have the Court Term and Number of the case ready to speed the process along for all concerned.

After all parties are present, a case is placed in ready status for a hearing. Cases that are ready will be assigned out by name to available arbitration panels in the sequence that they were ready.

B. Assignment to a Hearing Room

There are usually eight to twelve panels of arbitrators sitting simultaneously in the various hearing rooms available at the Arbitration Center. As cases are ready and hearing rooms are available, the cases will be assigned to a hearing room for disposition in the order that they were marked ready. One of the attorneys will be asked to carry the court file to the chair of the panel in the assigned room. When a panel of arbitrators concludes a case, notification is given to the clerk in the assembly room and another ready case is then assigned to that panel.

Arbitration panels consist of three attorneys engaged in the active practice of law, with principal offices in Philadelphia.[23] Arbitrators must have at least one year (five years for the chairperson) of legal experience in Pennsylvania, must have tried a case in any forum within Pennsylvania, and must have attended a court-approved arbitration training seminar.[24]

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23. Philadelphia Civil Rule *1302(b).

24. Philadelphia Civil Rule *1302(b). The court-approved seminar is run by the Philadelphia Bar Education Center.

Arbitrators should identify themselves and the firms with whom they are employed on a board in the hearing room. If there is a potential ground for disqualification of a panel member from hearing that case, counsel should point this out to other counsel and the arbitration panel. Any arbitrator who would be disqualified for any reason that would disqualify a Judge under the Code of Judicial Conduct has an obligation to withdraw as an arbitrator.[25]

After delivery of the Court file to the chairperson of the panel in the assigned hearing room, the arbitrators will begin to review the pleadings. Each counsel should write his or her name and address on one of the envelopes provided in each hearing room. These envelopes will be used to mail the decision of the arbitrators to counsel.

The chairperson of the arbitration panel will administer the oath or affirmation to all witnesses.[26] Any party may elect to have a stenographic record made of the hearing at that party's expense, with any other party being given an opportunity to obtain a copy on payment of a proportionate share of the total cost.[27] The hearing itself should be conducted as a non-jury trial, in conformity with Rule 1038(a) of the Rules of Civil Procedure, except as otherwise provided in the arbitration rules.[28]

C. <u>Failure to Appear at Arbitration</u>

Under recent amendments to the Pennsylvania Rules of Civil Procedure a court, with the consent of the parties present, may take action not available to the arbitrators if a party fails to

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25. Pa.R.C.P. 1302.

26. Pa.R.C.P. 1304(b).

27. Pa.R.C.P. 1304(c).

28. Pa.R.C.P. 1304(a).

appear for an Arbitration Hearing and the Complaint, Writ of Summons or Scheduling Notice contains the following statement:

> This matter will be heard by a Board of Arbitrators at the time, date and place specified but if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a Judge of the Court without the absent party or parties. There is no right to a trial de novo or appeal from a decision entered by a Judge.[29]

Specifically, the court may take action not available to the arbitrators including entry of a nonsuit if the plaintiff is not ready or a non pros if neither party is ready. If the defendant is not ready, the Court may hear the matter and enter a decision.[30]

Under the current procedure, the Arbitration Center shall certify for the record when a party fails to appear and immediately assign the case for a non jury trial at the Complex Litigation Center to be held the same day. If all parties fail to appear, the Arbitration Center will certify for the record that all parties failed to appear and the appropriate disposition with thereafter be entered by the Motions Program Judge.[31]

Relief from the decision of the Court will be by motion for post trial relief following the entry of nonsuit or assessment or by petition to open a judgment of non pros.[32]

D. Conduct of Hearing

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29. See Pa.R.C.P. 1303, amended July 30, 1998, effective Jan. 1, 1999, and Phila Civ. R. *1303, amended Nov. 19, 1998, effective Jan. 1, 1999.

30. If all parties present do not consent to being heard by a Judge, the case will be assigned to an arbitration panel for disposition.

31. Pa.R.C.P. 1303 notes that a party is present if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.

32. See explanatory notes following Pa.R.C.P. 1303.

(i) Opening Statements: Each counsel has the right to present an opening statement, but they should be brief, to the point and non-argumentative.

(ii) Witnesses: Each party has the right to present whatever witnesses are necessary to prove the elements of the claim or defense. With the exception of specific arbitration rules on documentary evidence,[33] the rules of evidence shall be followed in all compulsory arbitration hearings.[34] All evidentiary rulings are made by the arbitration panel[35] with such rulings by majority decision.[36] The local rule in Philadelphia provides that the established rules of evidence shall be "liberally construed to promote justice."[37]

(iii) Documentary Evidence: The most significant procedural rule is the relaxation of normal rules of evidence with regard to certain types of documentary evidence, which may be introduced, without authentication, subject to objections as to relevance or to any other objection to admissibility other than authenticity. A copy of any such document must be provided to the adverse party twenty days before the hearing, together with written notice of the intention to offer such documents into evidence.[38]

Rule 1305 of the Pennsylvania Rules of Civil Procedure was recently amended, effective

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33. Pa.R.C.P. 1305(b) and Philadelphia. Civil Rule *1305(b).

34. Pa.R.C.P. 1305(a).

35. Philadelphia Civil Rule *1305(a).

36. Pa.R.C.P. 1305(a).

37. Philadelphia Civil Rule *1305(a).

38. Pa.R.C.P. 1305(b) and Philadelphia Civil Rule *1305(b). Please note that the Civil Procedural Rules Committee of the Supreme Court has proposed amendments to Pa.R.C.P. 1305(b). The proposal was published in *The Legal Intelligencer* on March 13, 1996.

January 1, 1998. This amendment has blurred the distinctions that used to exist between the Philadelphia Civil Rules and the statewide rule on documentary evidence at arbitrations. The Philadelphia rule is still broader than the statewide rule, as Rule *1305 provides that "attorney's certifications as to time and hourly rates in claims where counsel fees are involved" shall be received in evidence without further proof, provided at least 20 days written notice of the intention to offer the documents was given to the adverse party.[39]

(iv) Official Records: The rules also provide a party with the right to offer into evidence, without the certification normally required by Sections 5328 and 6103 of the Judicial Code, official weather reports, traffic signal reports, or United States Government life tables.[40] No advance notice to the adverse party is required prior to the introduction of these records. Other official records kept within the Commonwealth may also be "offered in evidence" if twenty days written notice is provided to every other party, accompanied by a copy of the record.[41]

(v) Closing Argument: At the conclusion of the testimony by all witnesses, and after the introduction of all documentary evidence, each party has the right to make a closing argument to the panel of arbitrators. Parties should be present in the hearing room to hear the arguments and any questioning by the arbitrators.

(vi) Delay Damages: Any party seeking delay damages under Rule 238 should send a statement to opposing counsel prior to the hearing, setting forth the request for delay damages,

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39. Philadelphia Civil Rule *1305(b).

40. Pa.R.C.P. 1305(d).

41. Pa.R.C.P. 1305(d).

and at the conclusion of the hearing the statement is submitted in a sealed envelope to the panel.[42] Because of the prompt hearing, eight months after the filing of the complaint, delay damages are rarely applicable in arbitration hearings.

III. THE REPORT AND AWARD OF ARBITRATORS

At the conclusion of the hearing, the parties, attorneys and witnesses leave the hearing room, allowing the arbitrators to deliberate and reach a decision. The arbitrators shall make an award promptly upon termination of the hearing.[43] The arbitrators' award must dispose of all claims for relief and it must be entered on a Report and Award of Arbitrators form.[44]

When the Report and Award is completed and signed by all three arbitrators, the chairperson of the panel returns the file and Award form to the assignment desk. The chair is required to make a copy of the Report and Award to be left in a bin in front of the bench in the assembly room, where the parties or counsel will be able to review the award to learn the result of the arbitration on the day of the hearing. Obvious mathematical errors or other obvious errors in the Award can be brought to the attention of the panel for correction, while the panel is still assembled on the day of the hearing. It is also hoped that the immediate availability of the result will enable the parties to discuss possible settlement that day, while the pre-arbitration settlement discussions are still current and fresh. By use of this procedure, it is hoped that the appeal rate will decrease.

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42. Pa.R.C.P. 238.

43. Pa.R.C.P. 1306.

44. Pa.R.C.P. 1312.

The Report and Award is docketed by the staff of the Arbitration Center. Copies of the award are then mailed to the parties (or their counsel) in the envelopes which were addressed by counsel on entry into the hearing room.

The Court may mold an award to correct "obvious and unambiguous errors in the award, in mathematics or language," on application of a party within the thirty day period allowed for appeal.[45] This applies only to obvious and unambiguous errors and not to any other type of attempted reformation of the award.[46] The Court's power to mold an award is specifically limited to correction of patent errors and is aimed at correcting formal errors that do not go to the substance and merits of the award.[47] After the thirty day period, the Court no longer has jurisdiction to mold an award and any such petition must be denied.[48]

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45. Pa.R.C.P. 1307(d). See Maize v. Atlantic Refining Co., 352 Pa. 51, 41 A.2d 850 (1945) for the standard by which a court may mold the verdict of a jury.

46. Albert v. Denito, 336 Pa. Super. 284, 485 A.2d 806 (1984).

47. Lough v. Spring, 383 Pa. Super. 85, 556 A.2d 441 (1989).

48. Id.

DOCUMENTS

Application for Initial Certification as Arbitration Panelist

(Please print or type)

NAME	SOCIAL SECURITY NO.
HOME ADDRESS	PRINCIPAL BUSINESS ADDRESS
	BUSINESS TELEPHONE
ATTORNEY STATE I.D. NO.	DATE OF ADMISSION TO PENNSYLVANIA SUPREME COURT

I hereby certify that I have been admitted to the Bar of the Court for one year, have tried at least one civil case in any forum in Pennsylvania, am currently engaged in the active practice of law and maintain my principal office in Philadelphia.

I further certify that I attended the Court-approved Seminar in Arbitration Practices and Procedure on _____.

If my status is changed in regard to any of the above, I will immediately contact the Court of Common Pleas, Arbitration Center, and ask that my name be removed from the certified list of arbitrators.

☐ (a) My practice primarily consists of representing defendants.

☐ (b) My practice primarily consists of representing plaintiffs.

☐ (c) My practice cannot be designated as either (a) or (b).

Are you available to sit as an emergency arbitrator? ☐ Yes ☐ No

Date: _____ _____

Signature

Note: See Rule ★1302

First Judicial District of Pennsylvania
Philadelphia Court of Common Pleas

_____ _____Term,_____, _____
(Month) (Year) (No.)

_____
_____
_____
_____

Versus

_____
_____
_____
_____

Arbitration

(Please indicate type of action)

☐ **Motor Vehicle**

(Date of Accident) _____

☐ Delay Damages (Prime Rate +1)

☐ **Contract**

☐ Delay Damages (Legal Rate = 6%)

☐ **Assessment of Damages**

☐ **Other** _____

Report and Award of Arbitrators

And Now, this _____ day of _____, Year_____, we the undersigned arbitrators having been duly appointed and sworn, make the following award:

_____
_____
_____
_____
_____
_____
_____
_____

Please name the parties if there are more than one plaintiff and/or defendant. Please address all counterclaims and cross claims. Please complete percentage of negligence on reverse side if applicable.

Chairperson	*Please Print Name, Address and I.D. No.*
Arbitrator	*Please Print Name, Address and I.D. No.*
Arbitrator	*Please Print Name, Address and I.D. No.*

List Attorneys of Record and Unrepresented Parties Who:

Appeared at the hearing:	Did Not Appear at the Hearing:
_____	_____
_____	_____

Questions to be Answered by the Arbitrators in Negligence Cases

Instructions:

Taking the combined negligence that was a substantial factor in bringing about any or all of the plaintiff's injuries, damage or losses as 100%, answer the following questions and state in percentages the causal negligence attributed to each party you have found causally negligent.

Do you find that any defendant or additional defendant was negligent?
If so, state the name of the party and percentage of negligence attributable to that party.

_____ _____%

_____ _____%

_____ _____%

_____ _____%

Do you find that any plaintiff was negligent?
If so, state the name of the party and percentage of negligence attributable to that party.

_____ _____%

_____ _____%

_____ _____%

_____ _____%

Total **100%**

Notice of Entry of Award

And Now, this _____day of _____, Year _____, at _____, _____.m., the above award was entered upon the docket and notice thereof given by mail to the parties or their attorneys.

_____
Prothonotary

(Arbitration compensation to be paid on appeal $200.00)

By:

_____

CONTINUANCE ARBITRATION APPLICATION

FILE ORIGINAL ONLY WITH THE ARBITRATION CENTER ENCLOSE STAMPED ADDRESSED ENVELOPES TO ALL COUNSEL. LIST ALL COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW. ☐ Emergency Application ☐ Non-Emergency Application	FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS ARBITRATION CENTER 1601 MARKET STREET, 2ND FLOOR PHILADELPHIA, PA 19103

COURT TERM AND NUMBER	APPLICANT ☐ Plaintiff ☐ Defendant	DATE AND TIME OF LISTED HEARING

CAPTION
PLAINTIFF'S COUNSEL AND PHONE NO.
DEFENDANT'S COUNSEL AND PHONE NO.
ADDITIONAL DEFENDANT'S COUNSEL AND PHONE NO.
LIST PRIOR HEARING DATE(S), PARTY REQUESTING PREVIOUS CONTINUANCE(S), REASON FOR CONTINUANCE(S)

1. THE CONTINUANCE IS NEEDED FOR THE FOLLOWING REASON(S):

2. SET FORTH THE SPECIFIC BASIS FOR THE REQUEST AS PROVIDED IN PA. R.C.P. 216 AND PHILA. CIV. R. NO. *1303(c) AND STATE HOW COMPLIANCE WITH SAID RULES HAS BEEN ACCOMPLISHED.

3. A COPY OF THIS APPLICATION WAS MAILED/DELIVERED/FAXED TO OPPOSING COUNSEL ON _____ .

4. Position of Opposing Counsel. (Will not be considered unless position stated.)

5. Agreed upon continuance date, if any:

I hereby certify the above is true and correct.

_____ *Signature of Counsel for Applicant*

_____ *Date*

ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of the within Application for Continuance, the request for a continuance is

☐ Denied

☐ Granted and the hearing is rescheduled for _____ a.m./p.m. on _____ at the Arbitration Center.

_____ *Arbitration Center*

COMPULSORY ARBITRATION APPLICATION
ONE-TIME ONLY RESCHEDULING AGREEMENT
By Agreement of All Parties

FILE WITH THE ARBITRATION CENTER NO LATER THAN TWO DAYS PRIOR TO SCHEDULED HEARING. ENCLOSE STAMPED ADDRESSED ENVELOPES TO ALL COUNSEL AND UNREPRESENTED PARTIES. LIST ALL COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW.	FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS ARBITRATION CENTER 1601 MARKET STREET, 2ND FLOOR PHILADELPHIA, PA 19103

COURT TERM AND NUMBER	APPLICANT JOINT REQUEST	LIST DATE OF ORIGINAL SCHEDULED HEARING
CAPTION		

All parties and/or Counsel agree to reschedule hearing to the following new date and time *(new date **must** be within 2 weeks before or after original scheduled hearing date)*:

PRINT NAME OF COUNSEL FOR PLAINTIFF AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL *(Fax Signature Acceptable)*	DATE

Name of Defendant _____

PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL *(Fax Signature Acceptable)*	DATE

Name of Defendant _____

PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL *(Fax Signature Acceptable)*	DATE

Name of Defendant _____

PRINT NAME OF COUNSEL FOR DEFENDANT AND PHONE NO.	SIGNATURE OF PARTY OR COUNSEL *(Fax Signature Acceptable)*	DATE

Name of Additional Defendant _____

PRINT NAME OF COUNSEL FOR ADDITIONAL DEFENDANT AND PHONE NO.	SIGNATURE OF COUNSEL FOR ADDITIONAL DEFENDANT *(Fax Signature Acceptable)*	DATE

NOTE: AGREEMENT IS NOT VALID UNLESS THIS AGREEMENT IS SIGNED BY ALL COUNSEL OF RECORD OR BY UNREPRESENTED PARTIES AND DATE IS APPROVED IN ADVANCE BY THE ARBITRATION CENTER AS SET FORTH BELOW.

ORDER

AND NOW, this _____ day of _____, 20_____, upon consideration of the within Application for Rescheduling, the request is granted and the hearing is rescheduled for _____ a.m./p.m. on _____ at the Arbitration Center. No further rescheduling shall be granted.

_____
Arbitration Center

MISCELLANEOUS ARBITRATION APPLICATION

FILE WITH THE ARBITRATION CENTER AFTER EXPIRATION OF RESPONSE PERIOD (SEE INSTRUCTIONS). ENCLOSE STAMPED ADDRESSED ENVELOPES TO ALL COUNSEL. LIST ALL COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW.	**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA** **COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY** **ARBITRATION CENTER** **1601 MARKET STREET, 2ND FLOOR** **PHILADELPHIA, PA 19103**

COURT TERM AND NUMBER	APPLICANT ☐ Plaintiff ☐ Defendant	DATE AND TIME OF LISTED HEARING

CAPTION

PLAINTIFF'S COUNSEL AND PHONE NO.

DEFENDANT'S COUNSEL AND PHONE NO.

ADDITIONAL DEFENDANT'S COUNSEL AND PHONE NO.

1. Set forth requested relief

2. Set forth the specific basis for the request

3. On or after _____, the within Application will be filed with the Arbitration Center.

4. You must submit a Response to me by _____, for attachment to the Application (within ten (10) days of mailing of copy of Application).

5. A copy of this Application was mailed/delivered/faxed to opposing counsel, _____, Esquire on _____.
   ☐ A Response was received and is attached hereto ☐ No Response was received.

6. Other

I hereby certify the above is true and correct.

_____ *Signature of Counsel for Applicant*

_____ *Filing Date*

ORDER

AND NOW, this _____ day of _____, 20_____, upon consideration of the within Application, it is hereby ORDERED and DECREED that:

- ☐ the Application is denied.
- ☐ the within case is transferred to the Non-Jury List;
- ☐ the within case may be transferred to the Jury List provided the jury fee is paid within 10 days;
- ☐ the Applicant is granted leave to file a Motion _____ no later than _____;
- ☐ the Applicant's request to mold the award of the Arbitrators is denied;
- ☐ the Applicant's request to mold the award of the Arbitrators is granted. See detailed order attached hereto;
- ☐ the case is deferred _____;
- ☐ Other

_____ *J.*

Instructions

The Applicant shall forward a copy of the Miscellaneous Arbitration Application to all counsel of record and unrepresented parties at least ten (10) days prior to the filing date. Upon receipt of the Application, the adverse parties may file a Response, on the Court-approved form, by forwarding the original Response to the Applicant who will attach same to the Miscellaneous Arbitration Application which will be filed with the Arbitration Center.

Counsel are cautioned not to send the Response directly to the Arbitration Center which has been directed not to accept them.

If the Miscellaneous Arbitration Application filed with the Arbitration Center contains incorrect information concerning service of the Application, and Responses, the Order entered upon reliance of the representations in the Application may be vacated and appropriate sanctions may be imposed.

RESPONSE TO MISCELLANEOUS ARBITRATION APPLICATION

FORWARD TO APPLICANT FOR ATTACHMENT TO APPLICATION. DO NOT FILE WITH ARBITRATION CENTER (SEE INSTRUCTIONS). LIST ALL COURT TERMS AND NUMBERS OF CONSOLIDATED CASES IN SPACE DIRECTLY BELOW.	**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA** **COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY** **ARBITRATION CENTER** **1601 MARKET STREET, 2ND FLOOR** **PHILADELPHIA, PA 19103**

COURT TERM AND NUMBER	APPLICANT ☐ Plaintiff ☐ Defendant	DATE AND TIME OF LISTED HEARING

CAPTION
PLAINTIFF'S COUNSEL AND PHONE NO.
DEFENDANT'S COUNSEL AND PHONE NO.
ADDITIONAL DEFENDANT'S COUNSEL AND PHONE NO.

DATE APPLICATION RECEIVED	DATE RESPONSE SENT TO APPLICANT

SET FORTH YOUR POSITION CONCERNING THE MOVING PARTY'S REQUESTED RELIEF (ATTACH PROPOSED ORDER)

I hereby certify the above is true and correct.

Respectfully submitted,

_____ *Date*

_____ , Esquire
Filing Date

ARBITRATION APPEAL PROGRAM

This description of the Arbitration Appeal Program was prepared by Mary McGovern, Deputy Manager of the Complex Litigation Center of the Philadelphia Court of Common Pleas.

ARBITRATION APPEAL PROGRAM

The Arbitration Appeal Program is administered at the Complex Litigation Center, 12th Floor, Wanamaker Building, 100 Penn Square East, Philadelphia, under the direction of Supervising Judge, the Honorable Allan L. Tereshko. Questions concerning this program may be addressed to Mary McGovern, Deputy Manager, Complex Litigation Center, at (215) 686-5100 (voice) or (215) 563-1623 (facsimile).

All Appeals from Arbitration are scheduled for a Mandatory Status\Trial Scheduling Conference at the time the appeal is filed with the Prothonotary. The date, time and location of the conference is stamped on the Notice of the Appeal and forwarded by U.S. Mail to all parties designating a conference approximately 30 days following the filing of an appeal.

All counsel and non-represented parties <u>must</u> appear at the conference. No continuances will be granted. All counsel are directed to communicate with each other and all non-represented parties to advise them of the conference by forwarding a notice of the conference via facsimile or U.S. Mail. At the conference, a date for trial in a designated "Pool Month" and a Pre-Trial conference date shall be assigned, attaching all parties for trial. All parties will be given a Pre-Trial Settlement Conference Memorandum, which must be completed and presented at the Pre-Trial Conference. All parties are also given a Case Management Order designed specifically to the assigned trial pool month. Requests, for good cause only, to extend deadlines set forth in the Case Management Order must be made by filing a Motion for Extraordinary Relief. Failure to appear at the Status/Trial Scheduling Conference or the Trial Settlement Conference will result in the scheduling of a Rule Returnable Hearing at which time appropriate sanctions will be imposed

by the Supervising Judge.

Trial Pool Procedures

NOTICE:

Cases will be assigned for trial on a "next day minimum" basis. Counsel shall be trial ready for the duration of the monthly pool.

PUBLICATION:

The trial pool list will not be published.

CONTINUANCES:

Requests for continuances may be submitted under exigent circumstances only. These requests must be made in writing, with a copy to opposing party, and directed to the Honorable Allan L. Tereshko, Supervising Judge, Attention Mary McGovern, via facsimile (215) 563-1623.

MOTION PRACTICE:

The Motion procedures are consistent with those set forth in the Pennsylvania Rules of Civil Procedure and the Philadelphia Local Rules. Counsel are instructed not to forward "courtesy copies" of motions as they are neither accepted nor reviewed by the Supervising Judge.

DOCUMENT

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

Arbitration Appeal Program
Case Management Order

Pursuant to Administrative Docket 08 of 1998, an Appeal from the Report and Award of Arbitrators having been filed in the above-captioned matter and a Status Hearing been scheduled, the following Case Management Order is entered:

1. ***Discovery Deadline***: All discovery shall be completed ***no later than***

2. ***Expert Deadline***: ***Plaintiff's expert report*** (if applicable), including any supplemental report, is to be served on opposisng counsel and/or opposing party ***on or before***

3. ***Defendant's expert report*** is to be served on opposing counsel and/or opposing party ***on or before***

4. ***Dispositive Motions***: All dispositive motions must be filed no later than

5. ***Motions in Limine***: All motions in limine must be filed ***no later than*** *All* ***responses*** must be filed ***no later than***

6. ***Extensions***: Requests to extend any case management deadline ***must be submitted by filing a petition for extraordinary relief*** and filed prior to the expiration of the deadline in question.

7. ***Continuances***: All requests for continuances must be submitted in writing, with a copy to opposing party, and directed to the Honorable Allan L. Tereshko, Supervising Judge, attention: Mary McGovern, via fascimile (215-563-1623) or U.S. mail (12th Floor, Complex Litigation Center, Wanamaker Building, Philadelphia, PA 19107). ***However, said request may be made only under exigent circumstances.***

8. ***Jury Charge***: an agreed upon jury charge and verdict sheet must be presented to the trial judge at the time of jury selection.

By The Court:

Allan L. Tereshko, J.

STATUTORY APPEALS PROGRAM
AND
CLASS ACTIONS

This overview of the Statutory Appeals Program and Class Actions was updated in collaboration with Judge Albert W. Sheppard, Deborah Dailey, Manager, Civil Motions Program and Kevin Daly, Quality Assurance.

STATUTORY APPEALS PROGRAM

I. Overview

The Statutory Appeals Program of the Philadelphia Court of Common Pleas includes all appeals from adjudications of state and local administrative agencies, class action suits filed in the Philadelphia Court of Common Pleas (except for those in the Commerce Program) and all business tax collection cases brought by the City of Philadelphia.

The Statutory Appeals Program and Motion Court Assignment (Civil Motions Program) will be handled by the two assigned Motion Court judges. Judge Matthew Carrafiello and Judge Patricia McInerney have been assigned as the Motion Court/Statutory Appeals Program Judges. Statutory Appeals Program hearings are conducted in Courtroom N, 12th Floor, Wanamaker Building, 100 Penn Square East, Philadelphia, PA.

Administrative Agency Appeals

When an administrative agency adjudication is appealed, the Prothonotary issues a Standing Case Management Order to the filing party. This Order lists the appeal for a status conference before the appropriate Motion Court Judge and provides other relevant information, including requirements for service and a description of the motion practice. Agency-specific forms are used for appeals from the Board of Revision of Taxes, the Civil Service Commission, the Pennsylvania Department of Transportation, the Tax Review Board and the Zoning Board of Adjustment. A general "Other Agency" form is used in appeals from the large number of state and local agencies also included in this program.

At the status conference, appellant and appellee are expected to make a brief presentation about the underlying factual basis for the appeal and the nature of any past hearings. At the

conclusion of this conference, the parties are given an Order that sets dates for future events in the litigation and contains information about relevant practices, requirements and procedures.

If a record exists of the proceeding at the agency level, the judge is likely to enter a Scheduling Order at the status conference. This Court's Scheduling Order sets dates for the agency to produce a transcript of its hearing, for appellant(s) to file a brief in support of the appeal, for the appellee(s) and intervenor(s) to file a brief opposing the appeal and a date on which legal argument shall take place.

If a full record has not been made of the proceedings below, and a de novo trial of the relevant issues is required, the judge will enter an Order setting discovery deadlines and a date for trial.

Penn-DOT Appeal Cases

Appeals from the Pennsylvania Department of Transportation ("Penn-DOT") must first be commenced in the Office of the Prothonotary, First Filing Unit, Room 280 City Hall. Immediately upon filing, a Standing Case Management Order will be issued. Service of the appeal papers shall be made in accordance with the Case Management Order.

All requests for continuances must be made in writing and directed, via U.S. Mail, to the Honorable Robert S. Blasi, Administrative Judge, Attention James F.Metka, Esquire, Room 146, City Hall, Philadelphia, Pa. 19107, or by facsimile at 215-686-3714, with a copy of the request forwarded to opposing counsel/party. CONTINUANCES MAY BE GRANTED BY THE COURT ONLY.

Motion Procedure for Penn-DOT Appeal Cases

All motions in Penn-DOT Appeal cases must be filed with the Civil Motions Clerk, in

Room 278, City Hall, in accordance with Philadelphia Rule of Civil Procedure *206.1. There is a separate Penn-DOT Motion Package which is to be completed for all motions in these cases. This motion package is available in either the Office of the Prothonotary, Room 278, City Hall or Civil Administration, Room 296, City Hall. **There is a $30 filing fee for each motion.**
These motions will be docketed immediately upon filing and scheduled forthwith for a hearing.

Class Actions

The Pennsylvania Rules of Civil Procedure require that, upon the filing of a class action complaint, the case is assigned to a judge "who shall be in charge of it for all purposes." The supervision of all aspects of these cases, from filing until trial, including discovery disputes, preliminary objections, and motions, will be in accordance with the following schedule of assignments:

Type of Case	Judicial Assignment
Non-Commerce Cases filed **prior** to January 1,2001	Judge Levin
Non-Commerce Cases filed **after** January 1, 2001	Judge Carrafiello Judge McInerney
Commerce Class Action Cases	Judge Sheppard Judge Herron

If a Non-Commerce case proceeds to trial, it will be assigned to a separate judge of the Court of Common Pleas Day Forward Program for the trial. If the matter is settled without a trial, class notification and the settlement fairness hearing will take place under the assigned judge's supervision.

When a class action complaint is filed, the Prothonotary lists the matter for a Status Hearing

with the Administrative Judge. The conference is intended to educate the Court about a case and any unique considerations it may require. It also presents an opportunity for the parties to ask questions about the class action program.

At the conclusion of the conference, the action shall be designated as either commerce or non-commerce and a Scheduling Order will be entered. Depending on any number of factors, the specific Order signed by the Judge could allow additional time to conduct informal discovery regarding the merits of plaintiff's assertions, set a schedule for briefing and argument on preliminary objections or set a date by which the defendant would answer the complaint.

City Business Tax Cases

Judges Carrafiello and McInerney will preside over civil suits instituted for the collection of outstanding business, wage or other taxes that are due and owing to the City of Philadelphia. While cases that involve less than $50,000 are automatically diverted to arbitration, matters asserting greater tax indebtedness are listed directly before the judges.

When the case is filed, the Prothonotary lists the matter for a status conference. At the conference, the Judge will typically explore the possibility of settlement. In the event settlement seems unlikely, the court issues a Case Management Order that explains the procedures governing these actions, sets discovery deadlines and lists the matter for trial.

Petitions for Appointment of a Sequestrator

The City's tax program also involves the collection of past-due real estate and use and occupancy taxes through the appointment of a sequestrator. Petitions for the Appointment of a Sequestrator will be scheduled by the Prothonotary. They are presented to the Court by the City Solicitor every Monday at 10:00 a.m. in Courtroom "N" at the Complex Litigation Center.

Assuming all necessary requirements are satisfied (including adequate proof of the indebtedness and notice to the property owner), the judge may sign an Order that would allow a sequestrator to begin collecting rent from tenants residing in properties owned by the delinquent individuals and applying those sums toward the owner's tax indebtedness.

Motion Practice

It is the goal of the Civil Trial Division to develop a standard motion practice. To achieve this goal, commencing Monday, March 5, 2001, all non-discovery motions in the Statutory Appeals Program and Non-Commerce Class Actions are to be filed in accordance with Philadelphia Rule of Civil Procedure *206.1. There is a $30 filing fee for all motions, which shall be payable to the Prothonotary in Room 282, City Hall. Motions and responsive pleadings are to be filed with the Civil Motions Clerk in Room 278, City Hall, where it will be assigned a control number. To insure that these motions are readily identified, the Motion Cover Sheet must prominently display the words "**Statutory Appeals Program**" **or** "**Non-Commerce Class Action.**" These motions will be docketed immediately upon filing and scheduled for a hearing within the required time. A hearing will not be scheduled before ten (10) days from the date of filing the motion. The motion will then be assigned forthwith to the judge. Responses received prior to the hearing will be docketed upon filing and forwarded to the judge. At the conclusion of the hearing, the judge's staff will return the order, along with the complete motion package, to Civil Administration, Room 296, City Hall, for docketing.

Preliminary Objections

Preliminary Objections in all Statutory Appeals and Class Action cases are to be filed according to the state and local rules of civil procedure governing such filings.

CIVIL MOTIONS PROGRAM

This overview of the Motions Program was updated by Deborah Dailey, Manager, Civil Motions Program

CIVIL MOTIONS PROGRAM

Introduction

The Civil Motions Program consists of all discovery and non-discovery motions in Major Jury cases, Compulsory Arbitration cases, Arbitration Appeal cases, Nonjury cases, Non-Commerce Class Actions, Statutory and Municipal Appeal cases. Civil Motions filed in all Day Forward/Major Jury cases are assigned to judicial team leaders. An overview of how motions are assigned to judges is outlined in the attached Civil Motion Assignment Matrix.

Motions in Cases Other than Major Jury

The Honorable Matthew D. Carrafiello and the Honorable Patricia McInerney will consider motions in Nonjury, Arbitration Appeals, and Post Arbitration cases. They will also consider motions/petitions seeking Preliminary Injunctions, which are not part of the Commerce Program.

Mass Tort Motions

The Mass Tort Motion Procedures were revised on February 11,1998. After payment of the $30 filing fee, the original Mass Tort Motion is presented to the Prothonotary, Second Filing, Room 278, City Hall, for time-stamping only. The motion is then to be hand-delivered to the Complex Litigation Center, 12th Floor, Wanamaker Building. There is no formal filing with the Civil Motions Program.

Additional procedures are more fully outlined in the Complex Litigation section of this manual.

Wrongful Death\Survival Action Motions

In accordance with the *Joint General Court Regulation,Trial Division and Orphans' Court Division, 97-1,* Wrongful Death Settlement Motions involving the interests of a Minor or Incapacitated Person as well as Minors' Compromise Motions will be assigned to a judge in the Orphans' Court.

Motions Assigned to the Administrative Judge of the Trial Division

The following motions will be assigned to the Administrative Judge of the Trial Division regardless of any program designation:

- Motions/Petitions for Assignment to an Individual Judge;
- Motions/Petitions for Advancement on the Trial List;
- Motions/Petitions to Appoint a Neutral Arbitrator;
- Motions/Petitions to Compel Arbitration; and
- Petitions to Proceed *In Forma Pauperis*

Motions in Municipal Court Appeals

Motions filed in Municipal Court Appeals from Denial to Open Default Judgment will be assigned to the Civil Motions Judges.

Discovery and non-discovery motions, which are filed in Municipal Court Appeals from a Landlord/Tenant action or a Money Judgment action, will be assigned to a judge of the Municipal Court who has been assigned to preside as a judge of the Court of Common Pleas by the President Judge of the Court of Common Pleas. (*See Administrative Docket No. 5 of 1994)*.

Motions in Penn-DOT Appeals

All motions in Penn-DOT Appeals cases must be filed with the Civil Motions Clerk in Room 278, City Hall, in accordance with Philadelphia Rule of Civil Procedure *206.1. There is a separate Penn-DOT Motion Package that is to be completed for all motions in these cases. This motion package is available in either the Office of the Prothonotary, Room 278, City Hall or Civil Administration, Room 296, City Hall. **There is a $30 filing fee for each motion.** These motions will be docketed immediately upon filing and scheduled forthwith for a hearing.

Motions for Statutory Appeals and Non-Commerce Class Actions

It is the goal of the Civil Trial Division to develop a standard motion practice. To achieve this goal, commencing Monday, March 5, 2001, all non-discovery motions in the Statutory Appeals Program and Non-Commerce Class Actions are to be filed in accordance with Philadelphia Rule of Civil Procedure *206.1. There is a $30 filing fee for all motions, which shall be payable to the Prothonotary in Room 282, City Hall. Motions and responsive pleadings are to be filed with the Civil Motions Clerk in Room 278, City Hall, where it will be assigned a control number. To insure that these motions are readily identified, the Motion Cover Sheet must prominently display the words "**Statutory Appeals Program**" or "**Non-Commerce Class Action.**" These motions will be docketed immediately upon filing and scheduled for a hearing within the required time. A hearing will not be scheduled before ten (10) days from the date of filing the motion. The motion will then be assigned forthwith to the judge. Responses received prior to the hearing will be docketed upon filing and forwarded to the judge. At the conclusion of the hearing, the judge's staff will return the order, along with the complete motion package to Civil Administration, Room 296, City Hall, for docketing.

Preliminary Objections

Preliminary Objections in all Statutory Appeals and Class Action cases are to be filed according to the state and local rules of civil procedure governing such filings.

Discovery Motions

The assignment of discovery motions is more fully discussed in the Discovery Court section of this Manual.

The following Discovery Motions are the only Discovery Motions that are accepted by the Civil Motions Program:

- Discovery Motions in Municipal Court Appeal cases;
- Motions for Discovery in Aid of Execution;
- Motions for Pre-Complaint Discovery;
- Statutory Appeals and Non-Commerce Class Actions.

GENERAL CONSIDERATIONS: MOTION PRACTICE

Motions and responsive pleadings are filed with the Civil Motions Clerk, located in Room 278, City Hall. **The filing fee for ALL MOTIONS is $30.** This fee shall be payable to the Prothonotary in Room 282 City Hall. **There is no fee when filing an answer or responsive pleading with the Civil Motions Program.**

The motion and/or responsive pleading are the **only** items that the Motions Judges and Motions Program staff have before them for review. Other pleadings and orders are not sent up from the Prothonotary for the judge to read in evaluating a motion. It is the filing party's responsibility to include in the motion package and/or answer a copy of anything the judge might reasonably require in making a decision. Failure to do so may result in the motion being dismissed

or returned to counsel for completion and **refiling** with consequent delay and expense.

In the event that a motion is presented for filing that is obviously incomplete, it will be accepted, given a control number, and stamped "**INCOMPLETE FILING.**" The motion will then be assigned to the judge where it may be dismissed under Philadelphia Rule of Civil Procedure *206.1(G).

NOTE: If a motion is dismissed for failure to comply with the rules, a brand new motion package must be **refiled** with the Civil Motions Program, along with another $30 filing fee, and it will be assigned a new control number and response date.

As soon as the motion is ruled upon by the Motions Judges, the motion and response(s), if any, are immediately returned to Civil Administration, Room 296, City Hall for docketing and service of the order. The Motions Judges do not keep any of the pleadings or copies of the orders.

Motions are held by Civil Administration for 30 to 35 days after the initial date of filing to allow for the filing of responses. Motions and any responses are assigned within two days of the response date to a judge. The Civil Motions Judges personally review each pleading. Except in rare and complicated matters, it is the goal and practice for the review and order process to be completed within three (3) working days.

If a decision on your motion has not been sent to you and more than 60 days has elapsed since the initial filing, please contact Civil Administration at 215-686-7401 to request a search of the status of the matter.

Contact with the Motions Judges

Because of the high volume of motions that must be considered, neither the Motions Judges nor their staff have the resources to retain copies of the pleadings, or determine the status

of any given motion. When seeking information about a case or about procedure, please take the following actions:

* Review your own file;
* Review the Prothonotary file;
* Review the civil docket via our website at **http://courts.phila.gov,** or in person in the Prothonotary's Office, Room 269, City Hall;
* Obtain a copy of the civil docket from the Prothonotary's Office, Room 269, City Hall;
* Refer to the state and local rules of Civil Procedure;
* Refer to the **Civil Trial Division Administration at a Glance** Manual;
* Contact opposing party/counsel and discuss the matter.

As a last resort, contact Civil Administration at 686-7401. When contacting Civil Administration for any reason, **please be prepared with the Court Term and Number and the Control Number of the matter in question.**

Counsel and unrepresented parties are strongly discouraged from calling the judge's chambers and attempting to argue the merits of a case or alleged errors of the judge's rulings. This conduct is consider an ex parte communication with the Court. Judicial staff are under strict instruction not to convey these communications to the judge.

Requests for relief or revision of an order, and clarification of an order, must be presented in the form of a motion or petition. Requests for changes in hearing dates must be in writing and addressed to either Deborah Dailey, Manager, Office of Civil Administration, or Rachel Postell, Legal Clerk, Room 296, City Hall, Philadelphia, Pa, 19107.

To avoid confusion and the possible entry of conflicting orders, counsel and unrepresented parties are strongly advised **not** to send courtesy copies of the pleadings to the judge. Furthermore, counsel and unrepresented parties are urged not to send letters arguing further points of law or complaining about the conduct of opposing counsel/party.

Oral Argument

To avoid, or minimize the need for oral argument, counsel and unrepresented parties should utilize affidavits, relevant deposition testimony, responses to Requests for Admission, and any stipulations reached in the case to develop the factual predicate. In the rare instance where oral argument is necessary, the filing party should include a Rule in their motion package. The Motion Cover Sheet should prominently display the words "**ORAL ARGUMENT REQUESTED.**" Counsel and/or unrepresented parties should be aware that, unlike regular motions, these motions are usually only seen by the judge for the first time on the bench at the time of the hearing. Therefore in matters where the judge should in fairness consider any but the most basic points of law or consider facts of any complexity or volume, it is far better to avoid the oral argument procedure.

Motions for Reconsideration

Motions for Reconsideration should only be filed if there has been a change in the law or facts that would warrant revisiting the original issues. Motions for Reconsideration must be formally filed in accordance with Philadelphia Rule of Civil Procedure *206.1. The motion is to be filed with the Civil Motions Clerk in Room 278, City Hall. There is a $30 filing fee, which shall be payable to the Prothonotary in Room 282, City Hall. The Motions Clerk will assign a new control number to the motion. To preserve the appeal process, **these motions must be filed and ruled upon within thirty (30) days from the date of docketing the order** where reconsideration is being sought.

The filing party is reminded that the judge will no longer have the original motion or any of the pertinent pleadings in chambers. Therefore, it is the filing party's responsibility to prepare

a full and complete motion package. The motion package should contain, but is not limited to, the following:

- Copy of the Complaint;
- Copy of the Order upon which Reconsideration is being sought;
- Copy of the original motion in question;
- Copy of any responses to the original motion;
- Other relevant pleadings.

Format of Motion Package

Due to the high volume of matters processed by the Civil Motions Program, and to insure the timely processing of motions, the motion package should be clear and concise. The filing party should include a copy of the complaint and any answer(s) so that the assigned judge can learn something about the nature of the case. The proposed order should be located at the top of the motion behind the Motion Cover Sheet. Extra space should be provided on the proposed order to allow the judge to insert explanations or additional provisions. The use of tabs to identify items and exhibits is strongly encouraged. An incredible amount of time is lost when the judge is forced to leaf through a motion package in search of the memorandum of law or the vital exhibit referred to by counsel as the cornerstone of his/her argument.

Amended Complaints

Pursuant to Pennsylvania Rule of Civil Procedure 1028(c)(1), if a party files an amended pleading as of course, the preliminary objections to the original pleading shall be deemed moot. The Court is unaware that a party filed an amended complaint unless it is informed by that party. Counsel for plaintiff should notify the judge and opposing counsel immediately. Counsel for defendant should notify Civil Administration immediately, by letter or praecipe, to withdraw their Motion to Determine Preliminary Objections.

Emergency Relief

Requests for emergency relief are generally disfavored. There are very few instances in which irreparable harm, which cannot be remedied by damages, is so imminent that the court will even agree to hear a matter as an emergency. When requesting emergency relief, it is often necessary to adequately explain the failure to act sooner and how truly irreparable harm will occur within the next few hours.

You must first commence the action in the Prothonotary's Office, First Filing Unit, Room 280, City Hall. Thereafter, the petition should be filed with the Civil Motions Clerk in Room 278, City Hall. There is an additional $30 filing fee for the petition. It is the filing party's responsibility to notify all parties that the emergency relief is being sought and that they are required to appear in Civil Administration, Room 296, City Hall. **All parties must be present before Civil Administration staff will contact the judge.** The filing party must be prepared to represent to the Court, specifically, what efforts were made to reach an agreement or at least a temporary solution with the opposing party. The filing party should be prepared with the necessary bonding in the event the relief is granted.

Unfortunately, even where all the parties are able to appear the Court cannot guarantee that there will be a Court Reporter and/or other necessary personnel immediately available. Moreover, the Emergency Judge may be involved in other matters. As with oral argument, realize that you will be asking the judge to master the facts and the pertinent law without an advance opportunity to read the petition. In addition to bonding requirements, the emergency relief will generally require a further hearing in a few days.

DOCUMENTS

CIVIL TRIAL DIVISION
MOTION ASSIGNMENT MATRIX
2001

Upon filing with the Motions Clerk in Room 278, City Hall, all Motions shall be assigned in accordance with the following Matrix:

FILING TYPE	JUDICIAL ASSIGNMENT
MAJOR JURY CASES	
Major Jury Cases Filed Prior to 1995	Judge Allen
Day Forward 1995	Judge Allen
Day Forward 1996	Judge Tereshko
Day Forward 1997	Judge Moss
Day Forward 1998	Judge Allen
Day Forward 1999	Judge Tereshko/Judge Ackerman
Day Forward 2000	Judge Moss
Day Forward 2001	Judge Quinones Alejandro
CASES OTHER THAN MAJOR JURY	
Commerce Program	Judge Herron/Judge Sheppard
Major Non Jury Program	Judge Carrafiello/Judge McInerney
Arbitration Program	Judge Carrafiello/Judge McInerney
Post Arbitration & Arbitration Appeal	Judge Carrafiello/Judge McInerney
Municipal Court Appeals from Denial to Open Default Judgment	Judge Carrafiello/Judge McInerney
Mass Tort Program	Judge Tereshko
Wrongful Death Involving a Minor or Incapacitated Person, and Minors' Compromise	Orphans' Court (Pursuant to Joint General Court Regulation 97-1)
Motions to Consolidate	Assigned in accordance with Administrative Docket No. 3 of 1996, as amended 11//2/98.
Preliminary Injunctions (Non-Commerce)	Judge Carrafiello (or designee of Administrative Judge)
Preliminary Injunctions (Commerce)	Judge Herron/Judge Sheppard
Motions to Enforce Settlement	Assigned to the judge who approved or was involved in effecting the settlement

01-118 (Rev. 8/01)

CIVIL TRIAL DIVISION
MOTION ASSIGNMENT MATRIX
2001

FILING TYPE	JUDICIAL ASSIGNMENT
Motions for Reconsideration	Assigned to the judge who entered the order to be reconsidered.
Discovery Motions	Assigned in accordance with Phila. Civ. Rule 206.2 and scheduled consistent with Judicial Team Leader assigments to Discovery Court.
Discovery Motions in Municipal Court Appeals	Judge King/Judge Cosgrove

The following Motions shall be assigned to the Administrative Judge ***regardless*** of any program designation:

- Petitions for Assignment to an Individual Judge;
- Motions for Advancement on the Trial List;
- Petitions to Appoint Neutral Arbitrator;
- Petitions to Compel Arbitration;
- Petitions for *In Forma Pauperis*

DISCOVERY COURT

This overview of Discovery Court was prepared by the Honorable John W. Herron, Administrative Judge of the Trial Division, and Charles Mapp, Sr., Deputy Court Administrator of the Civil Trial Division of the Philadelphia Court of Common Pleas.

DISCOVERY COURT

There is no single discovery court judge. Rather, discovery motions are assigned to the Team Leaders of the various Civil Programs for resolution. All major jury case discovery motions will be resolved by the judicial Team Leaders on a particular day of the week reserved for each major jury program in accordance with the attached schedule. Discovery motions in Compulsory Arbitration cases ($50,000 or under), Arbitration Appeals and Nonjury cases are assigned to the Motions Program Judges and heard every Friday. Discovery motions in Commerce Program cases will be heard every Monday.

The assignment of discovery motions to judicial teams represents a critical and important transitional phase in this Court's Civil Case Reduction Strategy which recognizes the efficiency of judicial Team Leaders providing early and appropriate intervention in cases within their respective programs.

Whenever the parties in a case have a serious discovery dispute that they cannot resolve among themselves, a hearing before a Judge can be scheduled by submitting a Hearing Request Form and following the procedure set forth in the attached Philadelphia Civil Rule *206.2. A Hearing Request Form is available in Room 287, City Hall, by fax request (686-3777) or by telephone request (686-4246). A completed request form should be returned to Room 287, along with a thirty (30) dollar fee that **must** be paid for each motion. A completed request form (and fee) can be submitted in person, by mail or by fax. When requests are submitted by fax, the fee **must** be paid by credit card.

Upon receipt of a Hearing Request Form, discovery clerks assign a date for the hearing.

To assure an expeditious hearing, the discovery clerk will fax to the party requesting a hearing a copy of the Hearing Request Form with an **assigned hearing date and time.** The hearing date entered on this form is the actual date for the hearing before the assigned Judge, whether the motion is contested or uncontested. No continuance requests will be accepted and no continuances will be granted by the discovery clerks. The volume of discovery court matters is so great that continuances and rescheduling requests cannot be accommodated.

The moving party thereafter has the obligation to provide written notification of the hearing to all parties **at least ten (10) days prior to the hearing date**. At the time of the actual hearing, the moving party presents the motion, which should consist of a Proposed Order, Motion, Certificate of Service, and Notice of Presentation. The Notice of Presentation is a statement notifying the opposing party of the date, time, location, and type of discovery motion. Copies of these various forms are attached as exhibits to this section.

Because the date and time assigned by the discovery clerks is the actual hearing date, all counsel must appear at the assigned time to present and argue contested motions. Before the Judge will hear argument on any contested matter, counsel must furnish a C**ertificate of Good Faith** attempt to resolve the discovery dispute. A copy of this form is attached as an appendix to this section. See also Philadelphia Civil Rule *206.2. Only the attorney for the movant is required to sign the Certificate of Good Faith.

Attorneys are encouraged to resolve all discovery disputes whenever possible among themselves. If the parties can agree and stipulate to an Order regarding a discovery issue, it may be presented by any attorney representing either side. The presiding Judge will review and sign these orders on the morning they are presented. It will be the obligation of moving counsel to

photocopy the executed Order, provide the original to the discovery clerk, and promptly forward copies to opposing counsel.

Alternative Procedure Requiring No Physical Presence of Counsel

There is also an alternative procedure for discovery motions that are uncontested or that can be resolved through agreement which is outlined in the attached Administrative Docket .04 of 1998. Under this procedure, attorneys are no longer required to appear personally when they have a discovery motion that is uncontested or that can be resolved by agreement. Instead, they can present these motions to the Discovery Unit (Room 287) on the day immediately prior to their scheduled hearing date. They should attach a copy of the relevant case management order as well as the following letter:

To the Assigned Discovery Judge:

> Please accept this letter as certification that my opponent in the attached motion has told me he\she will not contest and\or agrees to the relief sought in the proposed order.

Sincerely,

_____

The Discovery Court Manager will then screen these motions to make sure there are no conflicts with the appropriate Case Management Order. The assigned judge will review and sign the proposed Orders after the scheduled court session. The signed orders must be picked up from the Discovery Unit (Room 287) within the next five days, photocopied and served on other interested counsel or the Orders will not be docketed but will be deemed invalid.

Schedule of Hearings in Courtroom 285 City Hall

A schedule of all discovery hearings is attached. Court begins at 9 a.m. The hearing date

for a discovery motion will correspond to the attached schedule. For example, discovery motions in Day Forward 2001 cases will be heard on Tuesdays; discovery motions in Arbitration cases will be heard on Fridays. As required by Philadelphia Civil Rule *206.2, a hearing shall be listed no earlier than 10 days after the date that a request for a hearing is made, except in the case of an emergency.

EMERGENCY DISCOVERY HEARINGS

To obtain an emergency discovery hearing, counsel or a representative must appear in person in room 287, City Hall, between the hours of 9:00 a.m. and noon, no later than the day before the designated hearing day for the specific program type.

For example, an attorney with an emergency discovery motion in a Day Forward 2001 case must appear in Room 287 on Monday, between the hours of 9:00 a.m. and noon, to schedule a hearing on the emergency motion by the Day Forward 2001 Team on Tuesday. Please see the discovery hearing schedule which follows.

RECONSIDERATION OF DISCOVERY MOTIONS

Requests for reconsideration of Discovery Orders must be filed as motions in Motion Court (Second filing, Prothonotary's Office) and require payment of the filing fee.

Upon filing, the motion will be referred to the judge who issued the discovery order in question, since no other judge has legal authority to review the order. Counsel should not reappear in discovery court and expect a different judge to reconsider a colleague's order.

VOLUNTARY USE OF DISCOVERY MASTERS

The Court is sensitive to the fact that some discovery motions involving complex issues may not lend themselves to motion procedures designed to process efficiently the large volume

of more routine discovery matters. In complex commercial and tort cases, the expense and burdensomeness of certain discovery requests can be substantial, and parties may be concerned that discovery rulings may be issued without the parties or the Court having as much time for argument or deliberating as might be desired.

Just as parties may stipulate to a variety of discovery matters (see Pa.R.C.P. 4002), they may also, without the need for Court approval, agree to refer discovery disputes to a neutral attorney jointly and privately retained by them as a discovery master. Parties may prefer such an agreed-upon use of a member of the Bar to resolve discovery disputes rather than submitting a complex discovery matter for judicial determination.

The parties should understand, however, that they will have to stipulate that the master's determinations are binding and not subject to review or acceptance by the Court. The Court will not enforce discovery determinations made by a privately retained master nor can such determinations become the subject of an appeal, because they will take place entirely off the record. The extent to which such determinations are effective to resolve a discovery dispute therefore will be entirely a function of the parties' good faith in honoring the terms of their own stipulations. Furthermore, the Court will not likely permit delay or any of the time devoted to proceedings before a discovery master to constitute grounds for extension of deadlines or other extraordinary relief.

DOCUMENTS

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS - CIVIL TRIAL DIVISION

DISCOVERY COURT 2001

LOCATION
Filings: Room 287 City Hall
Hearings: Room 275 City Hall
Room 285 City Hall

HOURS OF OPERATION
9:00 A.M. - 5:00 P.M.

STAFF
Dennis J. Brennan, *Manager*
Melissa Graham, *Legal Clerk*
Sharon Pressley, *Clerk Typist*

TELEPHONE NUMBER
686-3747
686-4246
686-4247
FAX: 686-3777

IMMEDIATELY upon receipt of the hearing date and time, the Discovery Motion(s) must be served upon all counsel and unrepresented parties.

SCHEDULE FOR HEARINGS

DAY	TIME	PROGRAM	ROOM	JUDGE
Monday	9:00 A.M.	Commerce	275	Supv. Judge Sheppard
Monday	1:00 P.M.	Commerce	275	Admin. Judge Herron
Monday	9:00 A.M.	Day Forward 1998	285	Judge Allen
Tuesday	9:00 A.M.	Day Forward 2001	285	Judge Quinones
Wednesday	9:00 A.M.	Day Forward 1999	285	Supv. Judge Tereshko Judge Ackerman
Thursday	9:00 A.M.	Day Forward 2000	285	Judge Moss
Friday	9:00 A.M.	Arbitration Arbitration Appeal Non-Jury	285	Judge Carrafiello Judge McInerney

Subject to change

01-116 (Rev. 8/01)

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS - CIVIL TRIAL DIVISION

DISCOVERY COURT 2001

IMMEDIATELY upon receipt of the hearing date and time, the Discovery Motion(s) must be served upon all counsel and unrepresented parties.

FEES: $30.00 per request **APPLICABLE RULE:** 206.2

HOW TO OBTAIN A HEARING

1. ***By Fax:*** Fax a Hearing Request form with a credit card number and expiration date. Fax Number: 215-686-3777
2. ***In Person:*** File a Hearing Request form in Room 287 City Hall with a credit card number or a check made payable to the "Prothonotary" in the amount of $30.00 for each requst.
3. ***By Mail:*** Mail a Hearing Request form to Room 287 City Hall along with your credit card number or a check made payable to the "Prothonotary" in the amount of $30.00 for each request.

EMERGENCY HEARINGS

In order to obtain an emergency discovery hearing, counsel must appear in person in Room 287 City Hall, between the hours of 9:00 a.m. and noon, the day before the designated hearing day for the specific program type. The emergency discovery motion will be placed on the hearing list for the next day.

For example, if you have an emergency discovery motion in a Day Forward 2001 case, you must appear in Room 287 on Monday, between the hours of 9:00 a.m. and noon, in order to have your emergency motion heard by the Day Forward 2001 team on Tuesday.

HELPFUL HINTS
DISCOVERY COURT

1. **Counsel should complete the "Attorney Certification of Good Faith" and be prepared to discuss it with the discovery judge.**

2. **Counsel should bring their calendars to court and be prepared to accept dates for depositions and IMEs.**

3. **Counsel are reminded that Motions to Reconsider discovery orders must be filed with Motion Court in Room 278.**

4. **Counsel are reminded to consider using the Alternative Procedure under which attorneys are no longer required to appear personally when they have a discovery motion that is uncontested or that can be resolved by agreement. Instead, they can present these motions to the Discovery Unit (Room 287) on the day immediately prior to the scheduled hearing date. They should attach a copy of the relevant case management order as well as the following letter:**

   To the Assigned Discovery Judge:

   Please accept this letter as certification that my opponent in the attached motion has told me he/she will not contest and/or agrees to the relief sought in the proposed order.
   Sincerely,

   _____

   The Discovery Court Manager will then screen these motions to make sure there are no conflicts with the appropriate Case Management Order. The assigned judge will review and sign the proposed Orders after the scheduled court session. The signed orders must be picked up from the Discovery Unit (Room 287) within the next five days, photocopied and served on other interested counsel or the Orders will not be docketed but will be deemed invalid.

effective: 4/1/01

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
DISCOVERY HEARING REQUEST FORM

TO: DISCOVERY CLERK
ROOM 287 CITY HALL
PHILADELPHIA, PA 19107
215-686-4246 / 47
FAX: 215-686-3777

Date: _____

From: _____
(Moving Counsel)

_____
(Secretary's Name and Phone No.)

Credit Card/Check Info: _____

Card No. and Exp. Date or Check No. _____

Hearings Requested
(Please Type)

Program Type* ***(See Below)***	***Next Event and Date***	***Court Term and Number***	***Caption***	***Hearing Date***

FAILURE TO ANSWER ALL QUESTIONS WILL RESULT IN NO HEARING BEING SCHEDULED

Return FAX No: _____

OFFICIAL USE ONLY — DO NOT WRITE BELOW THIS LINE

Program Types
Commerce
Day Forward/Major Jury
Arbitration
Arbitration Appeal
Major Non-Jury

NOTE: The above date is the actual hearing date.

Location of Hearing(s): Courtroom 285 and 175, City Hall

Make all checks payable to the Prothonotary

Immediately upon receipt of the hearing date and time, the Discovery Motion(s) must be served upon all counsel and unrepresented parties.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

CAPTION OF CASE : _____ TERM, 19____
:
:
: NO. _____

Attorney Certification of Good Faith
(Required Only in Contested Cases)

The undersigned counsel for movant hereby certifies and attests that:

☐ a. He or she has had the contacts described below with opposing counsel regarding discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute(s) at issue and, further, that despite all counsel's good faith attempts to resolve the dispute(s), counsel have been unable to do so.

Description:

☐ b. He or she has made good faith but unsuccessful efforts described below to contact opposing counsel in an effort to resolve the discovery dispute.

Description:

CERTIFIED TO THE COURT BY:

Date: _____

_____

Attorney for Movant *(name party)* _____
(Signature of Respondent's counsel is not required)

A PRIMER ON
THE EMERGENCY JUDGE ASSIGNMENT

This Primer on the Emergency Judge Assignment was prepared by the Honorable Alex Bonavitacola, former President Judge of the Philadelphia Court of Common Pleas, with the assistance of Dominic J. Rossi, Esquire and Joseph L. Hassett, Esquire.

A PRIMER ON
THE EMERGENCY JUDGE ASSIGNMENT

The President Judge of the Court of Common Pleas is responsible for the assignment of Judges to cover emergencies arising after Court hours. See Phila. R. Civ. P. No. *1531.

The Emergency Judge is responsible for handling all Civil, Criminal, Orphans' Court and Family Court matters arising after normal court hours and is on duty **during non-court hours** from Friday at 5:00 p.m. through the following Friday at 9:00 a.m. Every Friday, the Legal Intelligencer publishes a notice identifying the Emergency Judge for the week.

The President Judge of the Municipal Court similarly designates a weekly Municipal Court Emergency Judge who is available for all Municipal Court civil and criminal emergency matters, including appeals from bail during the evening hours and on weekends. See M.C. Crim. P.R. No. 21.

The Emergency Judge will also be available to perform weddings on Tuesday and Thursday at 4:00 p.m. in Room 410, City Hall, although the Municipal Court Emergency Judge will perform weddings every fifth week.

GENERAL INSTRUCTIONS AND INFORMATION

Generally, only those matters which require **immediate** judicial intervention and which arise **after** normal court hours and which **could not** otherwise have been anticipated should be handled by the Emergency Judge. The vast majority of matters can be handled during normal court hours utilizing existing procedure. For instance, the Motions Court section of this Manual

describes "Emergency Relief" procedures utilized by the Motion Court Judges. Thus, systemic emergency procedures do exist for expedited disposition of civil issues without the need to involve the Emergency Judge. Moreover, the Orphans' Court is able to expeditiously appoint an emergency guardian of a person alleged to be incapacitated when it appears that the person lacks capacity and may be in need of medical treatment. See 20 Pa.C.S.§5513. The Emergency Judge should not receive routine requests for medical authorization. Finally, most, if not all, issues which arise in connection with criminal matters are handled by the Municipal Court bail commissioners and the Municipal Court Emergency Judge.

Accordingly, only rarely, and under extreme circumstances, should counsel request that a case be handled by the Emergency Judge. The issuance of ex parte orders is discouraged. Moreover, counsel should know that the Emergency Judge will not act on any case that has been assigned to another judge for disposition, or where a hearing has been previously scheduled by the Court. In addition, the Emergency Judge will not vacate or modify an Order entered by another Court of Common Pleas Judge.

CONTACT WITH THE EMERGENCY JUDGE

The Emergency Judge can be contacted during **non-court hours** by calling the City Hall supervising operator at (215) 686-5665. When patched through to the Emergency Judge, the caller must identify himself\herself, provide an office address and an attorney identification number. Most importantly, the caller **must** advise the Emergency Judge whether the matter is presently pending before any tribunal, and if so, must inform the Emergency Judge as to the reasonable steps taken to notify counsel for all represented parties. **Under no circumstances should an Emergency Judge be contacted directly by the caller at his\her residence.**

TYPES OF MATTERS WHICH AN EMERGENCY JUDGE MAY ENCOUNTER

CIVIL MATTERS

As noted above, a systemic procedure exists for handling most "emergency" civil matters. However, the Emergency Judge may be called upon to rule on:

1. **Request for an Injunction.** Pa. R.C.P. No. 1531 provides that if it appears to the satisfaction of the Court that immediate and irreparable injury will be sustained, a preliminary or special injunction may be issued without notice or without a hearing. However, an injunction granted without notice shall be deemed dissolved unless a hearing on the continuance of the injunction is held within five (5) days after the granting of the injunction. Thus, unless the Emergency Judge schedules a hearing or the caller otherwise obtains a hearing within that time period, the injunction will automatically dissolve, unless all parties otherwise agree. The Emergency Judge may request the caller to file a petition with the Emergency Judge, the scheduled emergency Prothonotary clerk prior to issuing an Order, or with the Prothonotary on the next business day. Upon issuance, the Order must be filed with the Prothonotary so that it may be docketed.

2. **Temporary Restraining Order to Prevent Violence, Mass Picketing and Threats of Violence and Labor Disputes.** See 43 P.S. §206(a), et seq. A Complaint in Equity and a Temporary Restraining Order must be prepared and filed as directed by the Emergency Judge.

3. **Emergency Medical Treatment.** As noted above, such petitions should be filed with the Orphans' Court or, if appropriate, with the Motions Court during normal Court hours. In the event an emergency arises during non-court hours, medical authorization may be given provided the Emergency Judge holds an on-the-record hearing prior to ordering same.

FAMILY COURT MATTERS

The Emergency Judge may handle the following matters:

1. **Petitions Pursuant to the Child Protective Services Law.** See 23 Pa.C.S. §6301, et seq. The Philadelphia Department of Human Services, usually through the City Solicitor, will contact the Emergency Judge to request a restraining Order. The Emergency Judge usually issues an oral Order and directs that a hearing be scheduled in Dependency Court within seventy-two (72) hours of the issuance of the Order. The following business day, the Department of Human Services delivers a written Petition and Order to the Emergency Judge who signs the Order and returns the Petition and Order to the Department of Human Services for filing with the Family Court.

2. **Protection from Abuse Orders.** See 23 Pa.C.S. §6101, et seq. Please note, however, that requests pursuant to the Protection from Abuse Act are processed, after normal court hours, at the Criminal Justice Center, Room B-03. The caller should be asked to call (215) 683-7281 for further assistance.

3. **Miscellaneous and Sundry Domestic Relation Requests Such as Emergency Custody or Visitation Orders.** The caller should advise the Emergency Judge as to the status of the domestic relations matter and also why such request was not made during court hours. Relevant case information should be provided to the Emergency Judge together with a written Petition, if requested. Unless otherwise provided, the caller must file a Petition the next business day with the Clerk of Family Court.

4. **Miscellaneous and Sundry Divorce Related Issues.** Pursuant to Pa.R.Civ.P. No. 1920.43. The caller should advise the Emergency Judge as to the status of the divorce proceedings

and also why such request was not made during court hours. Relevant case information should be provided to the Emergency Judge together with a written Petition, if requested. Unless otherwise provided, the caller must file a Petition the next business day with the Clerk of Family Court.

CRIMINAL MATTERS

The Emergency Judge may receive requests to modify a defendant's bail. However, once the initial determination of bail is made at the preliminary arraignment by a Municipal Court Bail Commissioner, any appeals therefrom are heard by the Emergency Municipal Court Judge or specially assigned Municipal Court Judge. Modification of bail between the preliminary arraignment and the Common Pleas Court trial should be ordered only by the Judge regularly assigned to the Common Pleas Court Criminal Motion Court, and during **non-court hours** may be ordered by the Emergency Judge. However, modification of bail by the Emergency Judge is discouraged. Rather, the caller should be directed to present any such application to the Common Pleas Court Criminal Motion Court.

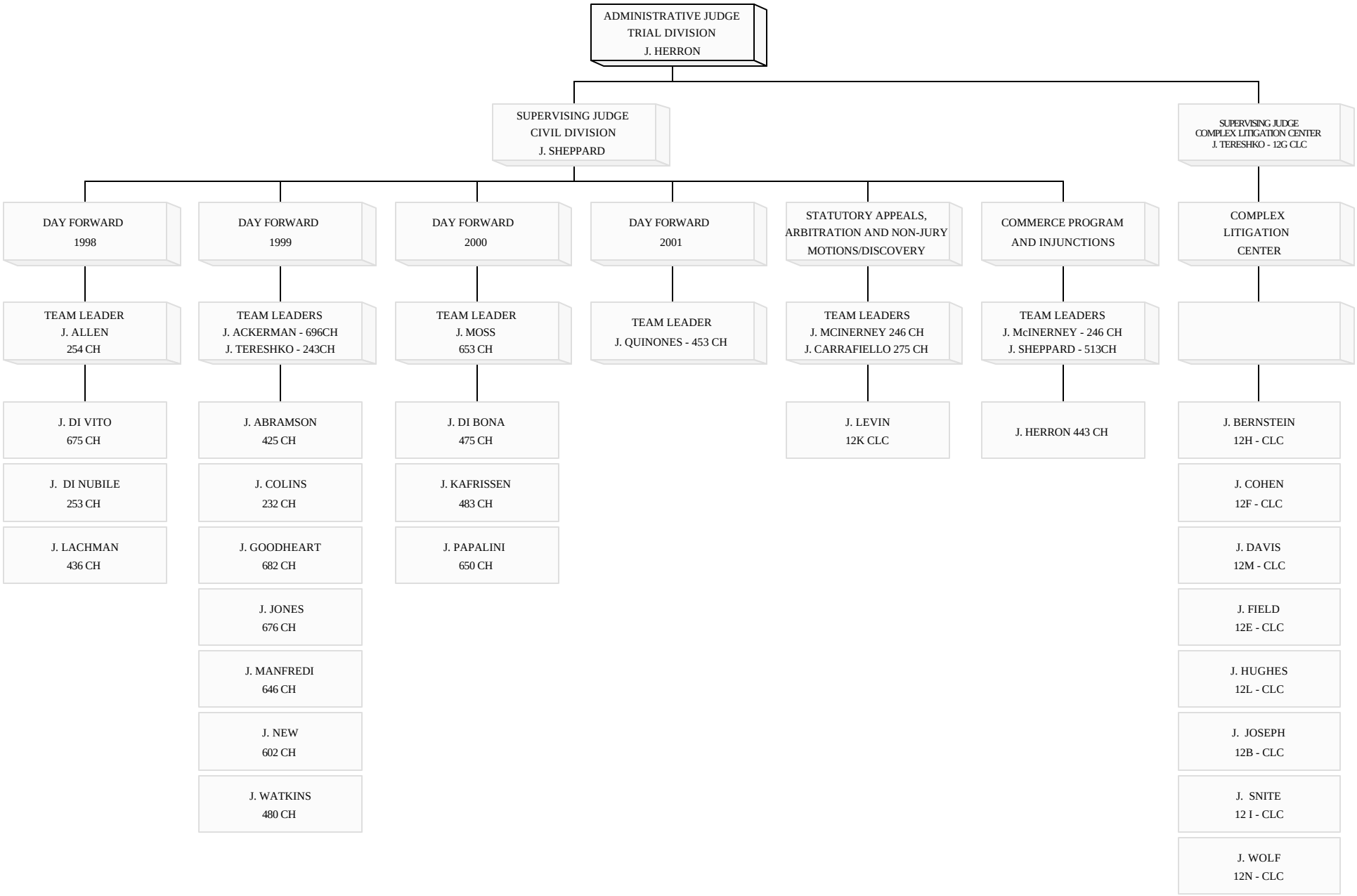
CONCLUSION

The Court of Common Pleas Emergency Judge is authorized to handle emergencies which may arise during non-court hours. However, since the Court has adopted procedures to promptly address recurring "emergency" issues, the Emergency Judge will only grant emergency relief when **absolutely** necessary.

2001 - JUDICIAL ASSIGNMENTS
CIVIL TRIAL DIVISION

JUDICIAL ASSIGNMENTS
FALL, 2001
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

Effective 9/4/01



CH=City Hall CLC=Complex Litigation Center, 12th Fl., Wanamaker Bldg.

SPECIFIC MOTIONS:
PROCEDURE AND FORMS

PETITIONS TO APPROVE MINORS' COMPROMISES AND WRONGFUL DEATH/SURVIVAL ACTION SETTLEMENTS

This discussion of Petitions to Approve Minors' Compromises or Settlements of Wrongful Death/Survival Actions was prepared by the Honorable Joseph D. O'Keefe, Administrative Judge of the Orphans' Court Division and Joshua Roberts, Esquire.

Petitions to Approve Minors' Compromises and Wrongful Death\Survival Actions

PROCEDURE

Petitions to Settle Actions Involving Minors or Incapacitated Persons

Petitions to Settle Actions involving Minors or Incapacitated Persons may be filed in two procedural contexts: (1) as an initial petition where there has been no civil action filed and (2) as a petition where an action has been formally filed and given a court term and number. Since the procedures differ somewhat in these two cases, each will be described separately.

No Civil Action Was Previously Filed

Where no civil litigation was previously filed in the Civil Trial Division, a Petition to Approve a Settlement involving Minors or Incapacitated Persons may be filed with the Orphans' Court Division in Room 415, City Hall for a fee of $19.00. Alternatively, the petition may be filed with the Prothonotary of the Civil Trial Division in Room 280, City Hall, for a fee of $214.50 in cases involving a single defendant with a charge of $11.00 for each additional defendant in the case.

If the petitioner decides to file the petition with the Orphans' Court Division in Room 415 City Hall, it is assigned to a judge in the Orphans' Court Division. The petition is then held until the expiration of the twenty (20) day response period. Once the response period has elapsed, the judge will enter a final, dispositive order. Copies of the order are sent to all interested parties. The order and petition are then returned to the Orphans' Court Division where the order is docketed.

If the petitioner files his petition with the Civil Trial Division Prothonotary in Room 280 of City Hall, the petition is forwarded to the Office of Civil Administration in Room 296, City Hall where it is held for the expiration of the twenty (20) day response period. The petition is then assigned to a judge in the Orphans' Court Division who will enter a final dispositive order. Copies of the order are sent to all interested parties. The order and petition are returned to the Office of Civil Administration where the order is docketed.

Civil Action Is Pending

If the parties to a civil action that was formally filed and is still pending wish to settle an action involving the interests of Minors or Incapacitated Persons, they should file their Motion/Petition with the Civil Motions Clerk in Room 278, City Hall with a filing fee of $30 payable to the Prothonotary in Room 282, City Hall. The Petition is then forwarded to the Office of Civil Administration, Room 296, City Hall, where it is held until the expiration of the twenty (20) day response period. Once the response period has elapsed, the petition is assigned to a judge in the Orphans' Court Division who will enter a final dispositive order. Copies of the order are sent to all interested parties. The order and petition are then returned to the Office of Civil Administration where the order is docketed.

Petitions to Settle Wrongful Death\Survival Actions

Petitions to Settle Wrongful Death/Survival Actions likewise may be filed either where no civil action has been previously filed or where there is a civil action pending.

No Civil Action Was Previously Filed

Petitions for Approval of Settlements of Wrongful Death/Survival Actions where no civil

action has been initiated should be filed with the Prothonotary in Room 280, City Hall if the petition does not involve the interests of a Minor or Incapacitated Person. These petitions are then forwarded to the Office of Civil Administration in Room 296, City Hall where they are held for the expiration of the thirty (30) day response period. The motion is then assigned to the Administrative Judge of the Orphans' Court Division for a final, dispositive order. The order and motion are returned to the office of Civil Administration where the order is docketed and a copy mailed to all interested parties.

If the wrongful death or survival action involves the interest of a Minor or Incapacitated Person, the petition may be filed either with the Prothonotary or with the Orphans' Court Division in Room 415 City Hall. It will then be held for the thirty (30) day response period. The motion will be assigned to the Administrative Judge of the Orphans' Court Division for a final dispositive order. Copies of the order are sent to all interested parties. The order and petition are returned to the Orphans' Court Division where the order is docketed.

Civil Action is Pending

A petition to settle wrongful death\survival actions in a pending civil action should be filed with the Civil Motions Clerk in Room 278 of City Hall. The motion will then be forwarded to Civil Administration in Room 296, where it will be held until the expiration of the 30 (thirty) day response period. Once this response period has elapsed, the petitions are assigned to the Administrative Judge of the Orphans' Court Division for a final dispositive order. The order is then returned to the office of Civil Administration where it is docketed and a copy mailed to all interested parties.

Court approval is necessary whenever a lawsuit involving the interest of a minor or

incapacitated person is settled or discontinued. See Pa.R.C.P. 2039; Pa.R.C.P. 2064; Phila. R.Civ.P. *2039.1. The purpose of this rule is to protect the interests of the minor or incapacitated person by requiring court scrutiny of the manner in which settlement funds are allocated. Court approval is also necessary for the settlement of any wrongful death action involving the interests of a minor or incapacitated person. See Pa.R.C.P. 2206; Phila. R. Civ.P. *2206. Finally, court approval is always required for the settlement of survival actions to protect the interests of an estate, its beneficiaries and creditors. In re Merryman, 669 A.2d 1059 (Pa. Super. 1995); Moore v. Gates, 398 Pa. Super. 211, 580 A.2d 1138, 1141 (1990), alloc. denied, 527 Pa. 617, 590 A.2d 758 (1991); Ringler Estate, 29 Fiduc. Rep. 499 (O.C. Div. 1979).

To facilitate the approval of these petitions, the court has published forms and checklists as a Joint Court Regulation of the Trial Division and Orphans' Court Division No. 97-1. These forms are readily available in the appendix of the published local Orphans' Court rules and should be consulted whenever a petition to settle is filed. The procedure for the disposition of these motions has been set forth in the attached Joint General Court Regulation Trial Division and Orphans' Court Division No. 97-1.

DOCUMENTS

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

FIRST JUDICIAL DISTRICT

JOINT GENERAL COURT REGULATION

TRIAL DIVISION AND ORPHANS' COURT DIVISION

No. 97-1

Procedure for Approval of Compromises Involving Minors,

Incapacitated Persons, Wrongful Death and Survival Actions

In order to fully implement a comprehensive procedure dealing with the settlement of cases involving Minors, Incapacitated Persons, Wrongful Death and Survival Actions in light of the experience gathered through the implementation of Joint General Court Regulation No. 93-2 issued by the Administrative Judges of the Trial and Orphans' Court Divisions, IT IS HEREBY ORDERED and DECREED that the said Joint General Court Regulation is rescinded and consistent with Pa. R.C.P. No. 2039, 2064 and 2206 and Phila. Civ. R. No. 2039.1 and 2206, the following procedure shall be utilized in approving Petitions for settlements involving minors, incapacitated persons, wrongful death and survival actions:

I. ***MINOR OR INCAPACITATED PERSON'S COMPROMISES***

(a) ***Situs of the Filing of the Petition***. Petitions for Approval of Settlements in cases where minors or incapacitated persons have an interest shall be filed with the Prothonotary. The Prothonotary shall forward the Petition to the office of Civil Administration where it will be held until after the expiration of the Response period whereupon, by designation of the Administrative Judge of the Trial Division, and by agreement of the Administrative Judge of the Orphans' Court Division, the Petition will be assigned to a Judge of the Orphans' Court Division, as directed by the Administrative Judge of the Orphans' Court Division, for the entry of an appropriate final appealable Order. The Order will be returned to the office of Civil Administration for docketing and mailing to all interested parties.

(b) ***Contents of Petition***. The Petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of birth and social security number of the minor plaintiff or incapacitated person, the names and addresses of the minor's parents, the name of the plaintiff's guardian and the appointing court, the address of the plaintiff, and a factual recitation of the salient facts which form the bases of the cause of action;

(2) state the terms of the settlement, including the specific provisions of any annuity, if applicable, including the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, periodic and lump sum payments, and otherwise comply with Pa. R.C.P. No. 2039 and 2064;

(3) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare;

(4) contain or be accompanied by the following:

(a) a written report of a physician setting forth the present condition of the minor or

incapacitated person;

(b) a statement under oath by the guardian and, if appropriate, the parent(s), certifying (i) the present physical or mental condition of the minor or incapacitated person, and (ii) approval of the proposed settlement and distribution thereof;

(c) a statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion; and

(d) if there is to be an allocation between parents and children or incapacitated persons, or among children or other parties, the amounts allocated to each party and specific reasons for such allocation must be set forth. In the event more than one plaintiff is involved, whether minor, adult or incapacitated, Petitioner must set forth the amount each plaintiff is to receive and shall provide justification for the requested allocation;

(e) in the event that a minor is sixteen (16) years of age or older, his or her written approval of the proposed settlement and distribution thereof.

(f) a proposed Order.

(c) ***Appointment of a Guardian***. Pennsylvania Rules of Civil Procedure No. 2028 and 2053 require that the minor or incapacitated person be represented in the action by a guardian, when the minor or incapacitated person is a party to the action, who is to be duly appointed by the appropriate Orphans' Court Division or Court. In the event the circumstances of an individual case require the appointment of a guardian ad litem, the guardian ad litem shall submit a statement concerning his/her opinion as to the reasonableness of the proposed settlement and requested allocation of the gross settlement proceeds.

(d) ***Proof of Deposit and Compliance with Court Order.*** Within sixty (60) days of the entry of a final order, counsel shall file an Affidavit with Civil Administration certifying compliance with the Court Order, and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The Affidavit shall be substantially in the form set forth hereunder.

II. ***PETITIONS FOR APPROVAL OF SETTLEMENTS IN WRONGFUL DEATH/SURVIVAL ACTIONS***.

(a) ***When Required***.

(1) ***Survival Action***. Court approval of settlements in survival actions is always required.

(2) ***Wrongful Death***. If the Complaint only raised a Wrongful Death claim, court approval of settlements shall be required only where a minor or incapacitated person has an interest.

(3) ***Combined Wrongful Death and Survival Actions***. If the Complaint raised Wrongful Death and Survival claims Court approval is required as to allocation between the categories notwithstanding the absence of minors or incapacitated persons, even if plaintiff requests that the entire proceeds be allocated entirely to the Wrongful Death claim.

(b) ***Situs of the Filing of the Petition***. Petitions for Approval of Settlements in Wrongful Death or Survival Actions shall be filed with the Prothonotary. The Prothonotary shall forward the Petition to Civil Administration where it will be held until after the expiration of the Response period whereupon, by designation of the Administrative Judge of the Trial Division and by agreement of the Administrative Judge of the Orphans' Court Division, it will be assigned to a Judge of the Orphans' Court Division, as directed by the Administrative Judge of the Orphans' Court Division, for the entry of an appropriate final appealable Order. The Order will be returned to the office of Civil Administration for docketing and mailing to all interested parties.

(c) ***Contents of Petition***. The Petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of death of plaintiff-decedent, the name of the personal representative of the estate and the county of appointment. A copy of the Decree of the Register must be attached;

(2) state the terms of the settlement, including the specific allocation as between Wrongful Death and Survival, name the Wrongful Death beneficiaries and the amount each is to receive, name the intestate heirs of Plaintiff-decedent as of the date the cause of action arose, state reasons why the settlement and allocation are reasonable, and otherwise comply with Pa. R.C.P. No. 2206. In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

(3) show compliance with Pa. R.C.P. No. 2205 and Phila. Civ. R. No. 2205, and set forth the name, relationship and address of plaintiff-decedent's intestate heirs who must be served with a copy of the Petition (as required by 20 Pa. C.S. §2101, et seq.);

(4) identify any other parties who may have a possible interest in plaintiff-decedent's estate, and list unpaid claims raised, or which are outstanding, in the decedent's estate;

(5) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare; and

(6) attach a proposed Order.

(d) ***Proof of Deposit and Compliance with Court Order.*** Within sixty (60) days of the entry of a final order, counsel shall file an Affidavit with Civil Administration, substantially in the form set forth hereunder, certifying compliance with the Court Order and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The Affidavit shall be substantially in the form set forth hereunder.

III. ***PETITIONS FOR ALLOWANCE.***

(a) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of Philadelphia County shall be filed directly with such Division. A copy of the Order approving the settlement shall be attached to the Petition.

(b) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of a county other than Philadelphia, or by a different state, shall be filed directly with such appointing Court. A copy of the Order approving the settlement shall be attached to the Petition.

(c) Petitions for Allowance in those cases where a guardian has not been appointed shall be filed with the Orphans' Court Division of the appropriate county or other state. A copy of the Order approving the settlement shall be attached to the Petition.

IV. ***INCONSISTENCY WITH PHILA. CIV. R. NO. 2039.1, 2039.2 AND 2206.***

To the extent the terms of Phila. R. Civ. P. No. 2039.1, 2039.2 and 2206 differ from the terms provided in the within Joint General Court Regulation, the terms of the said rules are rescinded.

This Joint General Court Regulation is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Phila. Civ. R. 51 and Pa. R.C.P. 239, and shall become effective thirty (30) days after publication in *The Pennsylvania Bulletin*. As required by Pa. R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the

Law Library for the First Judicial District.

JOHN W. HERRON
ADMINISTRATIVE JUDGE,
TRIAL DIVISION

DATE: 6/27/97

PETRESE B. TUCKER
ADMINISTRATIVE JUDGE,
ORPHANS' COURT DIVISION

DATE: 6/27/97

For sample forms for a Petition for Leave to Settle or Compromise A Minor's Action or a Petition to Settle Wrongful Death and Survival Actions, Consult the Orphans' Court Forms that are reproduced in the Philadelphia County Court Rules.

MOTIONS
FOR
EXTRAORDINARY RELIEF

Motions for Extraordinary Relief

A Motion for Extraordinary Relief is the motion that should be filed whenever a party seeks an extension of a deadline imposed by a case management order. Approximately 90 days after a civil action is initiated, a case management conference is scheduled. At this conference, the case manager analyzes the case and assigns it to a "track:" expedited, standard or complex. The case manager issues a case management order that imposes various deadlines on discovery requests, the filing of motions and submission of expert reports. The case management order also schedules key events: settlement conferences (before a Judge Pro Tem); pre-trial conferences (before the trial judge) and trial dates.

Any party may seek relief from the time requirements by filing the Motion for Extraordinary Relief. This petition must be filed prior to the deadline that the party is seeking to change. Motions for Extraordinary Relief are filed with the Motions Court Clerk in the Prothonotary's Office, Second Filing, room 280 City Hall. Any adverse party has ten (10) days after the filing of the motion to file a response.

In major jury cases, a Motion for Extraordinary Relief is ruled on by the individual team leaders. If the motion is granted, it could have an impact on all of the deadlines in a particular case. The party filing the motion should therefore include a proposed order that includes all of the deadline dates that would be affected by the order as well as a copy of the current case management order. Failure to comply with these requirements may result in denial of the motion, and the timeliness of a subsequent compliant motion will not be measured from the date of the defective filing.

A Motion for Extraordinary Relief may also be filed in Major Non-Jury and Mass Tort Cases. In Major Non-Jury cases, the discovery deadlines are set at the time of filing the Complaint when the Prothonotary stamps the discovery deadlines on the cover sheet of the complaint. These motions will be ruled on by the Honorable Allan L. Tereshko, Supervising Judge of the Complex Litigation Center.

Team leaders will rule upon Motions for Extraordinary Relief promptly, generally within 10 days following the filing of a response.

Each team will be directed by one or two judges. For the period beginning January 2001 the following assignments will be in effect:

Program	Team Leaders
Day Forward 2001	Judge Nitza I. Quinones Alejandro
Day Forward 2000	Judge Sandra Mazer Moss
Day Forward 1999	Judge Allan L. Tereshko Judge Norman Ackerman
Day Forward 1998	Judge Jacqueline F. Allen
Commerce Program	Administrative Judge John W. Herron Supervising Judge Albert W. Sheppard

Motions for Extraordinary Relief are fact and case track sensitive. Counsels' agreement to extend deadlines within a Case Management Order is not a recognized basis for an extension. And, neither a sudden change in counsel nor counsel's hectic schedule and other commitments will merit an extension. Counsel who do little work on the case in timely fashion but nevertheless

request extensions of court ordered deadlines are unlikely to receive them. Counsel are expected to demonstrate regular and timely efforts to complete discovery and to make a record of requests and\or motions to compel production of answers to interrogatories, documents, depositions, etc.

Generally speaking, the movant is expected to demonstrate extraordinary and nonforeseeable circumstances justifying the deadline extension request. The following are examples of reasons which may be considered by team leaders for extension of case management deadlines. However, counsel are cautioned against assuming that any one or more of the following reasons will be deemed sufficient in an actual case or controversy:

1. Demonstrable delay caused by an opposing party's abuse of the discovery process. (The movant would fill out an attached sheet detailing the history of motions necessitated and delay caused by opposing party's abuse of discovery procedures).

2. Discovery time lost due to a stay of proceedings.

3. Illness or death of a party or material witness directly and significantly affecting an imminent deadline.

4. Short term disability or maternity leave of counsel where no other firm attorney is capable of assuming the representation.

5. Information timely discovered requiring unanticipated further discovery that cannot be completed within existing deadlines.

6. Late joinder of a party where the delay in joining the additional party is satisfactorily explained.

The Philadelphia Court of Common Pleas has embraced the standards set forth in 1986 by the American Bar Association Lawyers'Conference Task Force on Reduction of Litigation Cost and Delay:

> "A. General Civil - 90% of all civil cases should be settled, tried or otherwise concluded within twelve months of the date of case filing; 98% within 18 months of such filing; and the remainder within 24 months of such filing, except for individual cases in which the

Court determined exceptional circumstances exist and for which a continuing review should occur."

The Philadelphia Bar Association's State Civil Committee, Plaintiffs' Trial Lawyers Association and the Association of Defense Counsel assisted the Court in the evaluation and adoption of these standards. Strong judicial oversight of the discovery deadline and other significant event dates is viewed as critical to the continued success of the timely resolution of civil litigation in this Court. With these important principles in mind, requests for extensions of court ordered deadlines should be avoided and utilized only as a last resort and with compelling reasons offered in support thereof.

We commend the practicing Bar for dramatically changing the culture of litigation practice in Philadelphia.

DOCUMENTS

In the Court of Common Pleas of Philadelphia County

MOTION FOR EXTRAORDINARY RELIEF

(Check One Program)

☐ Commerce ☐ Mass Tort
☐ Day Forward/Major Jury ☐ Non-Jury
☐ Arbitration Appeal

Must be filed with the Motions Clerk in 280 City Hall. Attach self-addressed stamped envelopes for all counsel and unrepresented parties.

CONTROL NUMBER

_____ TERM, _____
Month *Year*

Plaintiff(s)

vs.

Defendant(s)

No.:

Filing of: _____
Name of filing party

☐ Plaintiff ☐ Movant
☐ Defendant ☐ Respondent

NAME OF PLAINTIFF AND COUNSEL	NAME OF DEFENDANT AND COUNSEL

ASSIGNED TRACK (Check one)

☐ Expedited ☐ Complex
☐ Standard ☐ Extraordinary

NAME OF JUDICIAL TEAM LEADER

CURRENT APPLICABLE CASE MANAGEMENT DEADLINES *(Complete all dates subsequent to the date you are asking to be extended)*

☐ Discovery Deadline _____
☐ Expert Discovery _____
☐ Motion Deadline _____
☐ Settlement Conference _____
☐ Pretrial Memo _____
☐ Trial Date _____

SET FORTH DATES OF ISSUANCE OF ORDERS ON PREVIOUSLY FILED MOTIONS FOR EXTRAORDINARY RELIEF - ATTACH COPIES OF THOSE ORDERS

DESCRIBE RELIEF REQUESTED *(Attach proposed Order, setting forth the current deadlines and proposed deadlines)*

Set forth the efforts made to comply with the applicable deadlines; specify what needs to be done; set forth all relevant activity which has already been scheduled; and length and reason for the time requested.

A COPY OF THIS MOTION WAS SENT OR WILL BE SENT TO THE FOLLOWING PARTIES OR COUNSEL ON THE FOLLOWING DATES:

Response due: _____ *(within 10 days of filing of Motion)*

I certify the above to be true and correct.

Respectfully submitted,

Date: _____

_____

, Esquire

Attorney for Plaintiff/Defendant

In the Court of Common Pleas of Philadelphia County

RESPONSE TO MOTION FOR EXTRAORDINARY RELIEF

(Check One Program)

- ☐ Commerce
- ☐ Mass Tort
- ☐ Day Forward/Major Jury
- ☐ Non-Jury
- ☐ Arbitration Appeal

Must be filed with the Motions Clerk in 280 City Hall.

CONTROL NUMBER

CAPTION	COURT TERM AND NUMBER
	NAME OF RESPONDING PARTY AND COUNSEL
NAME OF PLAINTIFF AND COUNSEL	NAME OF DEFENDANT AND COUNSEL

SET FORTH YOUR POSITION CONCERNING THE MOVING PARTY'S REQUESTED RELIEF (ATTACH PROPOSED ORDER)

A COPY OF THE RESPONSE WAS SENT OR WILL BE SENT TO THE FOLLOWING PARTIES AND/OR COUNSEL ON THE DATES SET FORTH BELOW

I certify the above to be true and correct.

Respectfully submitted,

Date: _____

_____

, Esquire

Attorney for Plaintiff/Defendant

FEES
OF THE
PROTHONOTARY

FEES OF THE PROTHONOTARY

Effective January 1, 2001

A. COMMENCEMENT OF ACTION

1) Arbitration, Non-Jury & Petition Actions	*$203.50
2) Jury Demand	*$383.50

* Please Note: Pursuant to 71 P.S. Section 2108(b.1) the Prothonotary must collect $11.00 for each defendant in the initial filing.

3) Appeals to Court of Common Pleas	$89.00
4) Judgment by Confession/Judgment from Other Jurisdiction	$71.50
5) Name Change Petition - Adult	$203.50

B. SUBSEQUENT PLEADINGS

1) Defendant First Filing	$102.00
2) Jury Demand (if not paid previously)	$180.00
3) Defendant First Filing, with Jury Demand (if not paid previously)	$282.00
4) Petitions/Motions (Excluding "Petition Actions")	$30.00
5) Certification or Certificate, Court of Common Pleas	**$30.00
6) Exemplification	**$60.00

**Please Note: Pursuant to 42 Pa.C.S. Section 1725(c)(2)(ii) the Prothonotary must collect $3.60 for each additional page.

7) Subpoena	***$48.00

***Please Note: Pursuant to 42 Pa.C.S. Section 1725(c)(2)(xv) the Prothonotary must collect $10.00 per hour beyond four hour service or fraction thereof.

8) Mechanics/Waiver of Lien (Excluding Commencement of Action with Complaint)	$24.00
9) Name Search	$35.00
10) Non Party Docket Report	$5.00
11) Appeal from Arbitration (without Jury Demand)	$278.00
12) Appeal from Arbitration (with Jury Demand) (if jury fee not previously paid)	$458.00

13) Appeal to Supreme, Superior or Commonwealth Court	$180.00

C. UNIFORM COMMERCIAL CODE

1) UCC Financing Statements - Per Debtor Name	$61.95
2) UCC Non Standard Form	$205.80
3) UCC Search Fee - Per Debtor Name	*$61.95

* For Each Record Found in Search Add $5.25.

FAMILY COURT FILINGS +

A. DIVORCE

1) Commencement of Action	$214.00
2) Defendant First Filing	$102.00
3) Jury Demand (if not paid at time of commencement)	$180.00
4) Praecipe to Transmit	$48.00
5) Motion for Appointment of Permanent Master	$330.00
6) Name Change Petition - Minor (Petition to Amend Birth Certificate)	$203.50

B. CUSTODY

1) Petition for Custody, Partial Custody or Visitation	$52.00
2) Respondent's First Filing	$24.00
3) Custody Certification	$30.00
4) Home Investigation - Family Court Admin. Reg. 91-2	$200.00
5) Psychological Evaluation - Family Court Admin. Reg. 91-2	$200.00

C. SUPPORT

1) Initiation of Support Proceedings (Complaint\Petition)	$5.00
2) Lien\Judgment Search or Certification	$20.00

D. ADOPTION

1) Petition of Adoption	$216.00
2) Registration of Foreign Birth & Gestational Carrier Petition	$204.00
3) Report of Intent to Adopt (Adoption with Counseling)	$291.00
4) Certificate of Adoption (upon finalization of adoption)	$30.00
Certification of Termination Decrees	
5) Request for Limited (Non-Identifying) Information, Sec. 23 Pa.C.S. section 2905	

and Family Court Admin. Reg. 99-9, effective February 2000	$50.00
6) Request for Identifying Information (which will only be disclosed upon consent of natural parents). See 23 Pa.C.S. §2905 and Family Court Admin. Reg. 99-9, effective February, 2000	$150.00

+ The fees listed under the "Civil Fees" Category may be assessed for certain pleadings filed in the Family Court Division or for services rendered by the Prothonotary or Clerk of Court.

JOSEPH H. EVERS
PROTHONOTARY OF PHILADELPHIA COUNTY

INTERNET

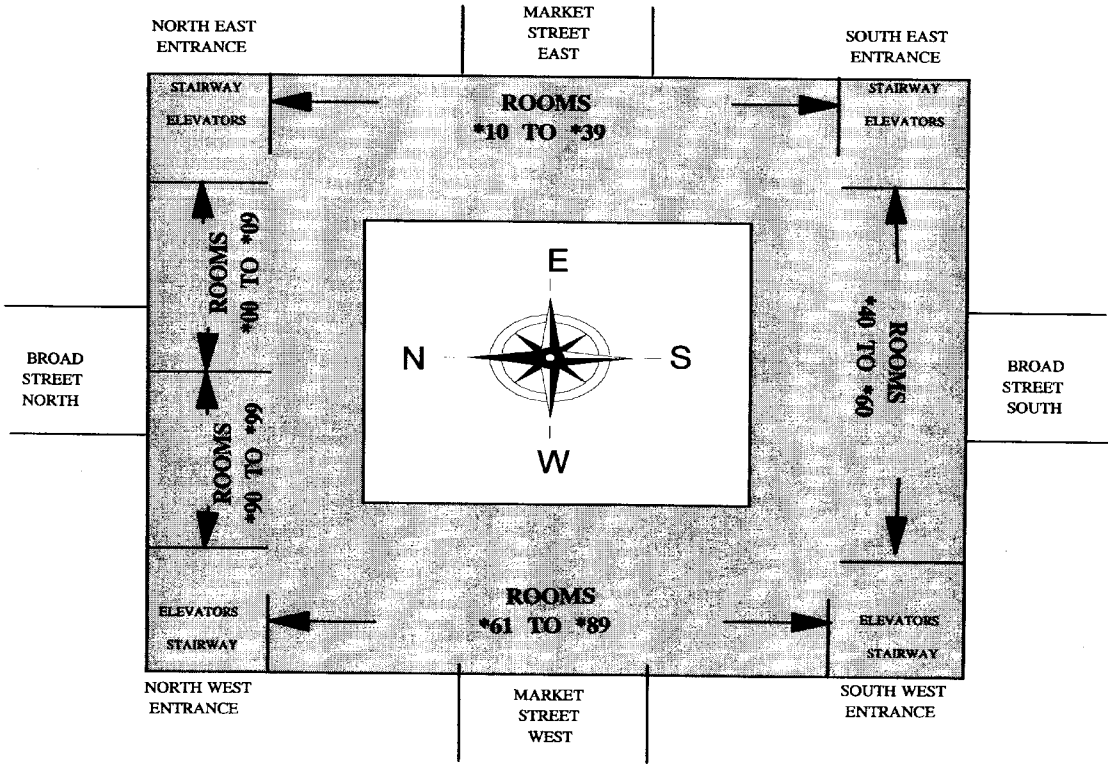
First Judicial District of Pennsylvania
Philadelphia County

Website:
http://courts.phila.gov

Information
215-686-7000

JUDICIAL FACILITIES

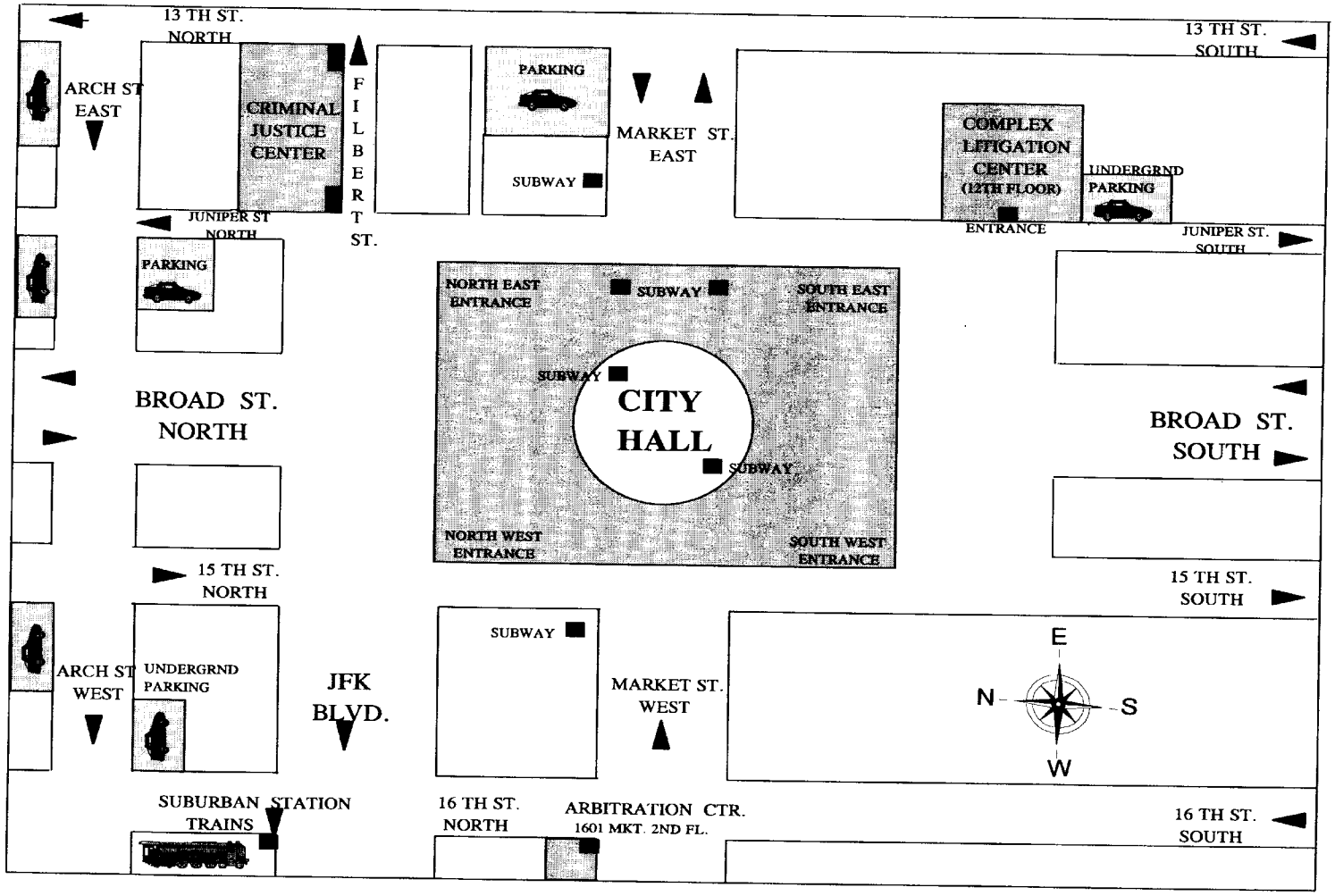
CITY HALL GENERAL DIRECTIONAL FLOOR PLAN



* THE FIRST NUMBER WOULD BE THE ACTUAL FLOOR LEVEL

NOTE : YOU CAN NOT GO FROM THE NORTHEAST SECTION TO THE NORTHWEST SECTION ON THE SECOND OR THIRD FLOORS.

Parking Locations Near City Hall



City Hall Restroom Facilities

as of 3\1\2001

FIRST FLOOR

Location	Room
SE Corner	138D - WOMEN
SW Corner	160 - WOMEN
SW Corner	188D - MEN

SECOND FLOOR

Location	Room
NE Corner	210 (private) (City Hall personnel only)
SE Corner	238D - MEN
NW Corner	288D - MEN
North Corridor	291A - WOMEN (private) (City Hall personnel only)
North Corridor	293 - WOMEN

THIRD FLOOR

Location	Room
NE Corner	310D - MEN
SE Corner	338D - WOMEN
West Corridor	378 - MEN (private) (City Hall personnel only)
West Corridor	378 - WOMEN (private) (City Hall personnel only)
NW Corner	388D - WOMEN

FOURTH FLOOR

Location	Room
NE Corner	410D - WOMEN (private) (City Hall Personnel only)
SW Corner	460A - MEN
SE Corner	436D - WOMEN
NW Corner	488D - MEN (private) (City Hall personnel only)

FIFTH FLOOR

Location	Room
NE Corner	508 - MEN (private) (City Hall personnel only)
SE Corner	538D - WOMEN
East Corner	531 - WOMEN (private) (City Hall personnel only)
NW Corner	588D - WOMEN (private) (City Hall personnel only)
NW Corner	528 - MEN (private) (City Hall personnel only)

SIXTH FLOOR

Location	Room
NE Corner	610 - MEN
SE Corner	638D - MEN
SW Corner	660 - WOMEN
NW Corner	688D - WOMEN

SEVENTH FLOOR

Location	Room
East Corner	721 - MEN
SE Corner	738D - WOMEN
West Corridor	777 - MEN
NW Corner	788D - WOMEN

Many courtrooms have unisex bathrooms in the contiguous robing room area. Upon request, presiding Judges may make such facilities available to counsel and parties.

Private restrooms - The combination number for these areas is 2,3,4. These combinations are changed periodically when security issues arise.

WHEELCHAIR AVAILABILITY
THROUGHOUT THE FIRST JUDICIAL DISTRICT

Wheelchairs are available at the following locations:

Location	Contact Person
Criminal Justice Center	Joseph Cairone 683-7500
City Hall - Human Resources	Tom Bly 683-6949
1801 Vine Street	Dom Serverio Helen Lasane 686-4000
34 S. llth Street - Domestic Relations	Joseph Harbson 686-9309
34 S. llth Street - Municipal Court	Dorothy Dempsey 686-2910
Wanamaker Building	Mary McGovern 686-5100
121 N. Broad Street	Othed Pagan-Adams 683-1265

If a need arises for a wheelchair, please make arrangements with the appropriate contact person for your location.

6. FEES OF THE PROTHONOTARY

7. JUDICIAL FACILITIES MAPS

- **City Hall General Directional Floor Plan**
- **Parking Accessibility**
- **Restrooms**
- **Wheelchair Availability**

8. ADMINISTRATIVE ORDERS